

relating to civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. CURTIS (for himself, Mr. WIDNALL, Mr. RUMSFELD, and Mr. BROCK):

H.R. 16459. A bill recommending establishment of a Commission on Federal Budget Priorities and Expenditure Policy; to the Committee on Government Operations.

By Mr. PUCINSKI (for himself, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. HOLLAND, Mr. CAREY, Mr. SCHEUER, Mr. GIBBONS, Mr. FARSTEIN, Mr. MATSUNAGA, Mr. PRICE of Illinois, Mr. VAN DEERLIN, Mr. ANNUNZIO, Mr. BLATNIK, Mr. SISK, Mr. RONAN, and Mr. OLSEN):

H.R. 16460. A bill to amend the Vocational Education Act of 1963, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mrs. GREEN of Oregon, Mr. DANIELS, Mr. BRADEMAS, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. BELL, Mr. FOLEY, Mr. ADAMS, Mr. HICKS, Mr. VANIK, Mr. FRASER, Mr. MOORHEAD, Mr. KUPFERMAN, Mr. SCHWEIKER, Mr. KASTENMEIER, and Mr. TUNNEY):

H.R. 16461. A bill to amend the Vocational Education Act of 1963, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLIFIELD (for himself and Mr. HOSMER):

H.R. 16462. A bill granting the consent of Congress to the western interstate nuclear compact, and related purposes; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 16463. A bill to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the act of August 25, 1916, as amended and supplemented; to the Committee on Interior and Insular Affairs.

By Mr. RYAN:

H.R. 16464. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. SCHWENDEL:

H.R. 16465. A bill to amend the Vocational Education Act of 1963, and for other purposes; to the Committee on Education and Labor.

H.R. 16466. A bill to establish a Department of Education and Manpower; to the Committee on Government Operations.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1218. Joint resolution asking the President of the United States to designate the month of May 1968, as National Arthritis Month; to the Committee on the Judiciary.

By Mr. REINECKE:

H.J. Res. 1219. Joint resolution designating the second Saturday in May of each year as National Fire Service Recognition Day, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H. Con. Res. 754. Concurrent resolution to express the sense of the Congress that the Secretary General of the United Nations should deliver an annual message on the state of mankind; to the Committee on Foreign Affairs.

By Mr. MADDEN:

H. Con. Res. 755. Concurrent resolution relative to the independence of free peoples of the captive nations; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H. Con. Res. 756. Concurrent resolution establishing the Joint Select Committee on Observance of the 50th Anniversary of Armistice Day; to the Committee on Rules.

By Mr. PATTEN (for himself, Mr. ADDABO, Mr. BATES, Mr. BELL, Mr. BUCHANAN, Mr. DANIELS, Mr. DULSKI, Mr. FINO, Mr. HALPERN, Mr. HELSTOSKI, Mr. KUPFERMAN, Mr. LIPS-

COMB, Mr. LUKENS, Mr. MADDEN, Mr. O'KONSKI, Mr. PUCINSKI, Mr. RODINO, and Mr. ST. ONGE):

H. Con. Res. 757. A concurrent resolution requesting the President to take certain actions in regard to the fulfillment of the United Nations Charter with respect to captive nations; to the Committee on Foreign Affairs.

By Mr. O'HARA of Illinois:

H. Res. 1127. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 16467. A bill to provide for the conveyance by the Secretary of the Interior of certain lands and interests in lands in Grand and Clear Creek Counties, Colo., in exchange for certain lands within the national forests of Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'KONSKI:

H.R. 16468. A bill for the relief of Catherine Pamela Beaudoin; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 16469. A bill for the relief of Mario Monaco; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI (by request):

H.R. 16470. A bill for the relief of Antoni Ramotowski; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 16471. A bill for the relief of George Roger Ernest Williams, Marie Marguerite Cecile Jeannette Williams, Keith Albert Williams, Glynnis Marie Elizabeth Williams, Trevor Joseph Williams, Derek Arthur Williams, and Ruth Anne Williams; to the Committee on the Judiciary.

## SENATE—Wednesday, April 3, 1968

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Lord and Master of us all, whate'er our name or sign, our fathers trusted in Thee and were not confounded. In Thee we trust. In Thee is our sure confidence that the way of the Republic is down no fatal slope, but up to the freer sun and air. Thou hast brought us to love truth and duty and goodness. May Thy truth make us free, free from pride and prejudice and from all the ugly sins of disposition that doth so easily beset us.

Lift us above the mud and scum of mere things to the holiness of Thy beauty, so that the common task and the trivial round, may be edged with crimson and gold.

Give us, O God, the strength to build The city that hath stood  
Too long a dream, whose laws are love,  
Whose ways are brotherhood:  
And where the sun that shineth is God's  
grace for human good.

We ask it in the name of Him who is the light and the truth. Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 2, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR HARTKE ON THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business on tomorrow, Thursday, the distinguished Senator from Indiana [Mr. HARTKE] be allowed to proceed for not to exceed 2 hours.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

### PRESIDENT JOHNSON SHOULD GRASP HANOI OFFER TO NEGOTIATE FOR UNCONDITIONAL HALT OF BOMBING NORTH VIETNAM AND FOR PEACE TALKS

Mr. YOUNG of Ohio. Mr. President, I just came to the Chamber from the Com-

mittee on Armed Services, where I was very pleased to learn that a Hanoi broadcast of this morning, as translated, stated as follows:

During the past more than ten years the United States imperialism has brazenly violated the 1954 Geneva Agreement . . .

Passing up temporarily some of the other propaganda, the broadcast from Hanoi went on to state:

It is clear that the United States Government has not correctly and fully responded to the just demand of the Democratic Republic of Vietnam of United States progressive opinion and world opinion. However—

This is the important part of the broadcast from Hanoi, as translated—on our part, the DRV—

The Democratic Republic of Vietnam—that is, the Hanoi government—declares its readiness to send its representatives to make contact with United States representatives to decide with the United States the unconditional cessation of bombing and all other war acts against the DRV so talks could begin.

This was broadcast in Vietnamese at 9:33 a.m., eastern standard time, radio Hanoi, according to the report I received outside the Armed Services Committee room.

Mr. President, I express the fervent hope that President Johnson will immediately seize upon this opportunity and at once dispatch that great negotiator and highly respected American patriot, Averell Harriman, and also Ambassador Llewellyn Thompson to pursue this offer. I hope our President will give immediate attention and consideration to this matter because it appears to offer some hope, even if it is a mere glimmer of hope, for peace and a cease-fire in Vietnam. We should seize this opportunity.

WE SHOULD REPUDIATE DEMANDS OF SAIGON MILITARY JUNTA

Mr. President, Tran Van Do, Foreign Minister of the puppet Thieu-Ky regime in Saigon apparently recently joined General Thieu and Marshal Ky in urging a land invasion of North Vietnam. He recently stated that the American strategy of limited war has failed and that "it is only logical" that the United States should look for new ways to end the war. He also indicated he does not believe further escalation of the kind practiced up to now by the Johnson administration can guarantee any turn in the war as Hanoi is capable of matching further U.S. troop buildups. Admitting that the initiative is now with the Vietcong, he stated that any review of U.S. policy would certainly include a consideration of extending the war into Laos or invading North Vietnam.

Tran Van Do also stated that his government cannot accept a cessation of the bombing of North Vietnam—consider the effrontery of this—without some reciprocal move by Hanoi. We have had that move this morning. Well, since President Thieu and his foreign minister favor continued bombing of North Vietnam, let Vice President Ky don his fancy air marshal costume and lead the attack. Let us hope any such attack would be by airplanes of the Saigon

military regime and none of our warplanes. The foreign minister calls for Washington to look for new ways to end the war. Of course, he does not mention any participation by so-called friendly forces of South Vietnam. This is not really surprising for the fact is that this is now an American war in which the South Vietnamese Government and armed forces have become bystanders while Americans fight and die and while many thousands of Vietnamese civilians are killed and maimed. The Vietnam war is now the fourth bloodiest in our Nation's history, exceeded only by the Civil War and World Wars I and II.

It is interesting to note that, directly beside the article in the Washington Post last Friday reporting Tran Van Do's most recent statements, there was a rundown of the casualties for the previous week in the Vietnam war, which showed that, for the week ending March 23, 2,314 Americans were killed and wounded, while only 940 Vietnamese were killed and wounded during the same period. The fact is that the South Vietnamese Army has withdrawn from active combat.

It is unconscionable for us to draft young Americans of 18, 19, and 20, after 4 months of training send them to fight in the jungles and swamps of Vietnam, while Vietnamese young men in the same age groups are not drafted but permitted to pay \$800 for exemption from military service. Now South Vietnamese leaders declare they will adopt next fall the policy of drafting 18- and 19-year-old Vietnamese. Probably next fall. President Thieu will postpone this until next year if he is still head of the very shaky Saigon regime. Unfortunately, for several years now American draftees of 18 and 19 have been fighting and dying in Vietnam.

It is outrageous and inexcusable that our young men should be called to fight and die in the miserable civil war in Vietnam while the corrupt Saigon military regime refuses to mobilize the young men of that country and accepts money to grant deferments. Officers and men in South Vietnam now in the armed forces spend a 5-day week with a 3-hour siesta daily. They are friendly forces, so called; too friendly to fight. In Saigon a leader in the South Vietnam Assembly spoke out against drafting youngsters of ages 18 and 19. He said, "This is an American war. We should stay out of it."

It was recently disclosed that in the fighting at Hue during the Tet offensive, a thousand Vietnamese soldiers were in the city on Tet leave at the time. Instead of joining the fighting for their own city, they disguised themselves as refugees and stayed on the university grounds for 3 weeks. They were at all times behind U.S. lines and away from mortar shelling, yet they made no effort to rejoin their units or to join in the battle to save their own city. Among them was a colonel of the South Vietnamese army. With allies like these, we need friends.

Mr. President, we have paid a tremendously high price in blood and money—more than 24,000 men of our Armed Forces dead, killed in combat or died of injuries in the combat zone, and

more than 110,000 wounded in combat and more than \$115 billion in expenditures to try to maintain South Vietnam, a little sliver of a nation that has no conception of national identity, as a pro-American anti-Chinese Communist nation. It is absurd for us to continue to fight in a civil war in a little country 10,000 miles distant led by a military clique, where a "democratic" election means the runner-up lands in jail, or is placed in protective custody, so-called, where mandarin landlords scoff at promises of land reform, where corruption and graft is rampant and involve deals between the South Vietnamese and the Vietcong to provide the VC with American weapons and ammunition.

If Foreign Minister Tran Van Do is sincerely interested in bringing peace to Vietnam, then let him urge a coalition government that would give true representation to all the political parties and elements of South Vietnam. Instead, he suggests that American troops invade North Vietnam despite the fact that this sort of expansion and escalation of the war would probably require, at the very least, half a million American soldiers in addition to the more than half million marines, soldiers, and airmen we now have fighting in this ugly civil war. These in addition to 45,000 American fighting men in Thailand and 52,000 Republic of Korea fighting men in South Vietnam.

Our immediate task is to disengage and withdraw from the most unpopular war Americans have ever fought. President Johnson's subservience to the generals of the Joint Chiefs of Staff has resulted in bombing North Vietnam almost incessantly since 1964 and, as a result of this bombing of North Vietnam, the war expanded and accelerated, and before the bombing was commenced not one regular soldier from North Vietnam was fighting in South Vietnam. Following the bombing of the North, then regular soldiers of the Hanoi government infiltrated south of the 17th parallel and have been fighting throughout that area since.

Several hours preceding President Johnson's statement announcing his calling a halt of bombing of most of North Vietnam and his announcement removing himself as a candidate for reelection, retired Gen. Maxwell V. Taylor, one of the warhawk advisers whose bad advice President Johnson has been following over the past few years, in a nationally televised interview made a shockingly stupid, insensitive, and untruthful statement. General Taylor said, "Yes, the recent Tet offensive of the Vietcong was a net victory for us." I cite this as an example of the mental lethargy and arrogance of the military and of what we charitably call the credibility gap. President Johnson would have been far better off had he kept in mind that President Eisenhower in his final statement to the American people warned us against the dangers of the military-industrial complex. In fact, President Johnson is in deep trouble for the reason he has been subservient to the will, wishes, and demands of the generals of our Joint Chiefs of Staff and of former Gen. Maxwell V. Taylor.

Mr. President, we must seek to neu-

tralize Vietnam and end the bloodletting there. Otherwise, the future holds forth for us indefinite involvement in that war-torn land. Even more compelling is the fact that to continue our present tragic course is likely to lead to a third world war.

#### EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

##### ANNUAL REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, its annual report for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Commerce.

##### REPORT OF BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1968 annual report of the Board (with an accompanying report); to the Committee on Finance.

##### REPORT ON U.N. PEACEKEEPING

A letter from the Acting Secretary, Department of State, transmitting, pursuant to law, a report on U.N. Peacekeeping as of March 9, 1968 (with an accompanying report); to the Committee on Foreign Relations.

##### ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

#### PETITION

The PRESIDING OFFICER laid before the Senate a resolution adopted by the Pennsylvania Public Utility Commission, of the Commonwealth of Pennsylvania, praying for the enactment of legislation to call an immediate moratorium on all train discontinuances, which was referred to the Committee on Commerce.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Jones, one of his secretaries.

#### REPORT ON THE FOOD FOR FREEDOM PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 296)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

*To the Congress of the United States:*

I am pleased to transmit to the Congress the 1967 report on the Food for Freedom program.

The bounty of America's farms have long given hope to the human family.

For the pioneers, who first plowed our fertile fields, their harvest brought liberation from the age-old bondage of hunger and want.

For the victims of two world wars, our food nourished the strength to rebuild with purpose and dignity.

For millions in the developing nations, our food continues to rescue the lives of the starving and revive the spirit of the hopeless.

We share our bounty because it is right. But we know too that the hungry child and the desperate parent are easy prey to tyranny. We know that a grain of wheat is a potent weapon in the arsenal of freedom.

Compassion and wisdom thus guided the Congress when it enacted Public Law 480 in 1954. Since then, the productivity of the American farmer and the generosity of the American people have combined to write an epic chapter in the annals of man's humanity to man.

In 1966, I recommended that Congress alter Public Law 480 to reflect new conditions both at home and abroad. The Congress accepted my major recommendations, and added provisions of its own to strengthen the Act. I am proud to report that in 1967 we successfully fulfilled the letter and spirit of these new provisions.

Congress directed that the Food for Freedom program should encourage international trade.

—In 1967 world trade in agricultural products reached an all-time high of \$33.9 billion, nearly 20 percent higher than in 1966.

Congress directed that the Food for Freedom program should encourage an expansion of export markets for our own agricultural commodities.

—In the past two years, this nation has enjoyed unparalleled prosperity in agricultural exports. Since 1960 our agricultural exports have grown from \$3.2 billion to \$5.2 billion—a gain of 62 percent.

Congress directed that we should continue to use our abundance to wage an unrelenting war on hunger and malnutrition.

—During 1967 we dispatched more than 15 million metric tons of food to wage the war on hunger—the equivalent of 10 pounds of food for every member of the human race.

Congress determined that our Food for Freedom program should encourage general economic progress in the developing countries.

—Our food aid has helped Israel, Taiwan, the Philippines, and Korea build a solid record of economic achievement. With our help, these nations have now moved into the commercial market, just as Japan, Italy, Spain and others before them.

Congress determined that our food aid should help first and foremost those countries that help themselves.

—Every one of our 39 food aid agreements in 1967 committed the receiving country to a far-reaching program of agricultural self-help. Many of these programs are already bringing record results.

Congress directed that we should move

as rapidly as possible from sales for foreign currency to sales for dollars.

—Of the 22 countries participating in the Food for Freedom program in 1967, only four had no dollar payment provision. Last year, six countries moved to payments in dollars or convertible local currencies.

Congress directed that we should use Food for Freedom to promote the foreign policy of the United States.

Statistics alone cannot measure how Food for Freedom has furthered America's goals in the world. Its real victories lie in the minds of millions who now know that America cares. Hope is alive. Food for Freedom gives men an alternative to despair.

Last year was a record year in world farm output. With reasonable weather, 1968 can be even better. New agricultural technology is spreading rapidly in the developed countries. New cereal varieties are bringing unexpectedly high yields in the developing lands. An agricultural revolution is in the making.

This report shows clearly how much we have contributed to that revolution in the past year. But the breakthrough is only beginning. The pride in accomplishments today will seem small beside the progress we can make tomorrow.

LYNDON B. JOHNSON.

THE WHITE HOUSE, April 3, 1968.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15414) to continue the existing excise tax rates on communication services and on automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12119. An act for the relief of Joseph M. Hepworth;

H.R. 15591. An act for the relief of Pfc. John Patrick Collopy, US51615166; and

H.R. 15979. An act to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 109. An act to prohibit unfair trade practices affecting producers of agricultural products, and for other purposes;

S. 172. An act for the relief of Mrs. Daisy G. Merritt;

S. 1580. An act for the relief of John W. Rogers;

H.R. 7325. An act to authorize the Secretary of the Interior to exchange certain Federal lands for certain lands owned by Mr. Robert S. Latham, Albany, Oreg.;

H.R. 10599. An act relating to the Tiwa Indians of Texas; and

H.R. 11254. An act for the relief of Jack L. Good.

**HOUSE BILLS REFERRED**

The following bills were severally read twice by their titles and referred as indicated:

H.R. 12119. An act for the relief of Joseph M. Hepworth; and

H.R. 15591. An act for the relief of Pfc. John Patrick Collopy, US51615166; to the Committee on the Judiciary.

H.R. 15979. An act to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Commerce.

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. ANDERSON, from the Joint Committee on Atomic Energy, without amendment.

S. 3262. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 1074).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 5799. An act to amend the District of Columbia Uniform Gifts to Minors Act to provide that gifts to minors made under such act may be deposited in savings and loan associations and related institutions, and for other purposes (Rept. No. 1075).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

S. 2015. A bill to amend section 11-1902, District of Columbia Code, relating to the duties of the coroner of the District of Columbia (Rept. No. 1076).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 2496. A bill to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area (Rept. No. 1077).

**EXECUTIVE REPORTS OF COMMITTEES**

As in executive session,  
The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William C. Keady, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

John H. Johnson, of Illinois, to be a member of the Advisory Board for the Post Office Department; and

Two hundred and twenty-nine postmaster nominations.

**BILLS INTRODUCED**

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON (by request):

S. 3275. A bill to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate hearing.)

By Mr. BREWSTER:

S. 3276. A bill to modernize certain provisions of the Civil Service Retirement Act, and for other purposes; to the Committee on Post Office and Civil Service.

S. 3277. A bill to strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. BREWSTER when he introduced the above bills, which appear under separate headings.)

By Mr. MAGNUSON (by request):

S. 3278. A bill to provide for the authority for passenger vessels to operate as trade-fair exhibition ships; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 3279. A bill for the relief of Col. Heinz Eisenberg, U.S. Army Reserve (retired); to the Committee on the Judiciary.

**S. 3275—INTRODUCTION OF BILL RELATING TO THE ACCEPTANCE OF GIFTS FOR THE BENEFIT OF INDIANS**

Mr. JACKSON, Mr. President, I introduce, for appropriate reference, a bill to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians.

The Department of the Interior, by letter of December 11, 1967, requested the introduction of this legislation. I ask unanimous consent that the letter from Assistant Secretary Harry R. Anderson explaining the need for the legislation be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3275) to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians, introduced by Mr. JACKSON, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., December 11, 1967.

HON. HUBERT H. HUMPHREY,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The 1931 Act reads as follows:

"The Secretary of the Interior be, and he is hereby authorized in his discretion to accept contributions or donations of funds or other property, real, personal, or mixed, which may be tendered to, or for the benefit of, Federal Indian schools, hospitals, or other institutions conducted for the benefit of Indians, or for the advancement of the Indian

race, and to apply or dispose of such donations for the use and benefit of such school, hospital, or other institution or for the benefit of individual Indians."

The Act permits the acceptance of donations for the benefit of Indian institutions or for the advancement of the Indian race. It permits the donations to be used only for the benefit of an Indian institution or for the benefit of individual Indians.

The requirement that the donations be used for the benefit of an Indian institution or individual Indians raises doubts about the use of the donations for such things as research on educational curriculum to meet the special needs of Indian children; research on the special social adjustment problems of Indian families and individuals; projects to develop Indian communities and community leadership; museums to preserve Indian culture and promote understanding of Indian people; and cooperative projects for housing improvement or resource development.

In order to clarify the Act and to permit the use of donations for any purpose that will contribute to the advancement of the Indian people within the framework of programs otherwise authorized by law, the Act should be rephrased. Our proposed bill would accomplish this result.

At the present time about \$35,000 of donated funds is on hand.

It should be noted that the Department has in the past encouraged donations to be made to charitable organizations or to tribal governments when they were best able to administer the gift, and that practice will be continued. When the gift needs to be administered by the Secretary, however, he should have broader authority than is now contained in the 1931 Act.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,  
HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

**S. 3275**

A bill to amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 14, 1931 (46 Stat. 1106, 25 U.S.C. 451), is amended to read as follows:*

"The Secretary of the Interior may accept donations of funds or other property for the advancement of the Indian race, and he may use the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provision of law for the benefit of Indians."

**S. 3276—INTRODUCTION OF BILL TO MODERNIZE CERTAIN PROVISIONS OF THE CIVIL SERVICE RETIREMENT ACT**

Mr. BREWSTER, Mr. President, each year various laws are enacted which benefit our Federal employees either through direct pay increases, or in improved and extended fringe benefits. Over the years, too, there have been a variety of bills introduced which would make liberal changes in the benefits affecting our Federal employees when they retire. However, these individual bills have stayed in committee without action and have been reintroduced session after session. I think our retirees, after serving their Government for nearly a lifetime, deserve better than this.

Individually, these bills affect only a

small part of the retirement system. Together, they form the basis for a significant overhaul and modernization of the regulations governing retirees.

First, the bill I introduce today will change the computation formula on annuities by providing that after an employee completes 10 years of service, all past and future service will be creditable at a 2-percent rate. Presently it is 1½ percent for the first 5 years and 1¼ percent for the next 5. These figures would apply only to service of fewer than 10 years.

Second, a surviving spouse would receive 60 percent of the employee's earned annuity rather than the 55 percent provided for under today's regulations. This percentage has not been increased since 1962 and would, I feel, be completely justified in view of the rise in the cost of living in the past 6 years. It would also tend to equalize annuity payments with the adjustments made last year in the Social Security Act.

The automatic cost-of-living formula for the adjustment of annuities has been most recently attacked by retirees who claim that they do not receive as regular or as high an increase as the Federal workers do. The present formula provides that annuities will be automatically increased whenever the cost of living goes up as much as 3 percent and stays up for 3 months in a row. Such annuity increases equal the percentage rise in the cost of living. My bill would cut down on the time a retiree has to wait to receive an increase in annuities by making the automatic adjustment formula go into effect after the price index has risen by 2 percent for 2 consecutive months.

The definition of basic pay is changed by this bill to include in the computation of annuities overtime or premium pay earned by an employee. The employee certainly works for this extra pay, and I believe should have it credited to his account when he retires.

The present penalty for survivorship annuities works much too hard a burden on the retiree. I propose that the 2½-percent reduction now applied only up to \$3,600 be changed to apply up to \$4,800. Then the 10-percent reduction would apply to annuities over \$4,800 rather than all amounts over \$3,600 as it now does.

My bill further raises survivorship benefits for children and provides for increased contributions by covered employees, with matching agency contributions, to guarantee the necessary funding for this liberalized program.

This bill has already been introduced in the House of Representatives by the Honorable THADDEUS J. DULSKI, chairman of the House Post Office and Civil Service Committee. I feel that with his able leadership and with support in the Senate committee for this long overdue legislation, we can soon realize a new, workable and certainly beneficial program for our retired Federal employees.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3276) to modernize certain provisions of the Civil Service Retirement Act, and for other purposes, introduced by Mr. BREWSTER, was received, read twice by its title, and referred to the

Committee on Post Office and Civil Service.

**S. 3277—INTRODUCTION OF BILL RELATING TO CRIMINAL PENALTIES FOR MAILING, IMPORTING, OR TRANSPORTING OF OBSCENE MATTER**

Mr. BREWSTER. Mr. President, I am sure that everyone of our distinguished colleagues has had the problem of pornography in the mails brought to his attention at one time or another by angered constituents, demanding that something be done by the Federal Government to have their names removed from the mailing lists of these peddlers of filth. I know that the residents of Maryland find the receipt of unsolicited pornographic publications and similar smut an invasion of the privacy of their homes.

Personally, I find the situation deplorable and was proud to have had a part in supporting title III of last year's Postal Revenue and Federal Salary Act. In that measure, the President wisely enacted into law provisions which would make it possible for an addressee to judge a piece of mail and, in his sole discretion, render a decision as to its acceptability. If the addressee finds the mailing to be a pandering advertisement, offering for sale matter which he believes to be erotically arousing or sexually provocative, he may request that the Postmaster General issue an order directing the sender to refrain from further mailings of such material to his address. In the law, the Postmaster General and the district courts are granted authority to carry out this directive, including the issuance of orders imposing punishment for contempt of court if firms do not comply.

Now, at long last, we have a degree of control over what comes into our home through the mail. I propose, in the measure I introduce today, to take one step further in trying to restrain the flow of smut in this country. My bill would strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter. It sets minimum fines and prison sentences for persons knowingly using the mails for the carriage of obscene materials and would, I hope, enable us to cut down the traffic in such mailings. We must do all we can to protect our citizenry and our children from having obscene mail matter thrust upon them unwillingly.

Mr. President, I commend this legislation to your attention and ask that our colleagues give it their utmost consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3277) to strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter, and for other purposes, introduced by Mr. BREWSTER, was received, read twice by its title, and referred to the Committee on the Judiciary.

**S. 3278—INTRODUCTION OF BILL TO PROVIDE AUTHORITY FOR PASSENGER VESSELS TO OPERATE AS TRADE-FAIR EXHIBITION SHIPS**

Mr. MAGNUSON. Mr. President, I introduce, at the request of American Ex-

port Isbrandtsen Lines, Inc., for appropriate reference, a bill to provide for the authority for passenger vessels to operate as trade-fair exhibition ships.

The present bill would authorize the Maritime Subsidy Board to permit a passenger vessel that is experiencing losses after subsidy to be freed from its contractual obligations to operate as a passenger vessel on a specific trade route and would allow it to operate as a passenger-exhibition ship to ports throughout the free world. Such alternative employment for the vessel would be consistent with our Trade Expansion Act.

In order to grant an application for a passenger vessel to operate as a passenger-exhibition ship, the bill would require that the Board find, first, that such operation would be consistent with the best interest of the United States in promoting export expansion, second, that the configuration of the vessel as a passenger-exhibition ship would not impair its national defense capabilities, and third, that the operation would be in accordance with the purpose of promoting the American Merchant Marine. The bill would further provide that the itineraries of the vessel would be subject to the approval of the Board and of the Office of Trade Fairs of the Department of Commerce.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3278) to provide for the authority for passenger vessels to operate as trade-fair exhibition ships, introduced by Mr. MAGNUSON (by request) was received, read twice by its title, and referred to the Committee on Commerce.

**ADDITIONAL COSPONSORS OF BILL, JOINT RESOLUTION, AND CONCURRENT RESOLUTION**

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia [Mr. RANDOLPH], I ask unanimous consent that, at its next printing, the name of the senior Senator from Hawaii [Mr. FONG] be added as a cosponsor of the joint resolution (S.J. Res. 158) to authorize and request the President to designate the first full week in May of each year as "National Employ the Older Worker Week."

This is the joint resolution which Senator RANDOLPH introduced yesterday, April 2, with the cosponsorship of 11 other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New Jersey [Mr. WILLIAMS], the Senator from Texas [Mr. TOWER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Massachusetts [Mr. BROOKE], and the Senator from Illinois [Mr. PERCY] be added as cosponsors of the bill (S. 3218) to enable the Export-Import Bank of the United States to approve extension of certain loans, guarantees, and insurance in connection with exports from the United States in order to improve the balance of payments and foster the long-term commercial interests of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin [Mr. PROXMIER], I ask unanimous consent that, at its next printing, the name of the Senator from Maryland [Mr. BREWSTER] be added as a cosponsor of Senate Concurrent Resolution 53, expressing the sense of the Congress that the Secretary General of the United Nations should deliver an annual message on the state of mankind.

The PRESIDING OFFICER. Without objection, it is so ordered.

**DISPOSAL OF MAGNESIUM FROM NATIONAL STOCKPILE—AMENDMENT**

AMENDMENT NO. 694

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 5785) to authorize the disposal of magnesium from the national stockpile, which was ordered to lie on the table and to be printed.

**DISPOSAL OF BERYL ORE FROM NATIONAL STOCKPILE—AMENDMENT**

AMENDMENT NO. 695

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 14367) to authorize the disposal of beryl ore from the national stockpile and the supplemental stockpile, which was ordered to lie on the table and to be printed.

**PRESIDENT'S GOAL IS PEACE AND UNITY**

Mr. MAGNUSON. Mr. President, few Presidents have ever stood as tall as President Johnson did Sunday night.

It will be easy to lose sight of this fact. In the days that follow there will be an examination and a reexamination of his decision. There will be conjecturing, criticizing, analyzing, speculating, and so on. Almost each and every one will have a theory of why he really did what he did.

But to me the simple truth is this: The President is deeply committed to the cause of world peace. In order to pursue that goal his words and deeds had to be interpreted in a broader context free of partisanship. Therefore he removed himself from candidacy for the job he has handled so well.

It is sad it had to be this way. Lyndon Johnson and I have been friends and associates for over 30 years. As well as any man alive, I know that he neither wished nor willed a collision course with any country. I know equally well that history's judgment will be kinder than that of his contemporaries.

President Johnson's act took courage and commitment. President Johnson's goal is peace and unity. He has set a high standard of ideal and conduct for all of us to follow.

I hope that we will be able to measure up as well as he has.

The news from Hanoi today opens up at least a faint possibility that there will

be an opportunity for all of us to go to the negotiating table. If we do, then I believe that President Johnson's historic act last Sunday will be even more memorable in world history.

I hope that we can take advantage of these new events.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from Washington in the remarks he has just made and also to express the hope, as he has, that the magnificent and historic address made by President Johnson on Sunday night is now in the process of being answered by Ho Chi Minh, the President of the Democratic People's Republic of North Vietnam.

As of now, the press reports are not so accurate or so valid as either one of us would like to see them, but at least they hold out a glimmer of hope that perhaps there will be a light at the end of the tunnel.

I am quite certain that on the basis of what the President said on Sunday night, if the reports as to what President Ho Chi Minh is supposed to have said are true, it will be given immediate, prompt, and serious consideration.

If it does come to pass, it will be because of the historic address made by the President last Sunday—I repeat, a historic address—and also because of the sacrifice he made at that time in announcing that he would not be a candidate for renomination.

Mr. MAGNUSON. I thank the Senator from Montana.

**AMENDMENT OF TARIFF SCHEDULES REGARDING CLASSIFICATION OF CHINESE GOOSEBERRIES**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 489, H.R. 2155.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2155) to amend the tariff schedules of the United States with respect to the classification of Chinese gooseberries.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments, on page 1, line 8, after "Sec. 2." to insert "(a)"; on page 2, after line 2, to insert:

(b) (1) The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

(2) For purposes of section 351(b) of the Trade Expansion Act of 1962, the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934.

After line 15, to insert a new section, as follows:

SEC. 3. Section 551 of the Tariff Act of 1930, as amended (19 U.S.C. 1551), is amended by adding at the end thereof the following new sentence: "A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries, and for other purposes."

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in passing Calendar No. 489, H.R. 2155, be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

**JOSIAH K. LILLY**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1027, S. 2409.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2409) for the relief of the estate of Josiah K. Lilly.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment, in line 3, after the word "delivery" insert "within thirty days following the enactment of this Act"; so as to make the bill read:

S. 2409

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon delivery within thirty days following the enactment of this Act to the Smithsonian Institution by the Merchants National Bank and Trust Company of Indianapolis, as executor of the estate of Josiah K. Lilly, to the title to, ownership, and possession of the collection of gold coins left by the said Josiah K. Lilly and comprising approximately six thousand one hundred and twenty-five items, the said estate shall be entitled to a credit against its obligation for Federal estate tax, effective as of the date upon which the return was due to be filed, in the amount of \$5,534,808.00.*

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1063), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE

That upon delivery within 30 days following the date of enactment of this act to the Smithsonian Institution by the Merchants National Bank & Trust Co. of Indianapolis, as executor of the estate of Josiah K. Lilly, of the title to, ownership, and possession of the collection of gold coins left by the said Josiah K. Lilly and comprising approximately 6,125 items, the said estate shall be entitled to a credit against its obligation for Federal estate tax, effective as of the date upon which the return was due to be filed, in the amount of \$5,534,808.

#### STATEMENT

Josiah K. Lilly died in May 1966 leaving a substantial estate. Included in his estate is a large and valuable collection of approximately 6,125 gold coins. These coins were described in the report of the Treasury Department to Senator Eastland, the chairman of the committee, in a letter dated September 29, 1967.

After Mr. Lilly's death his executor faced the question of how to dispose of the coin collection, which the executor considered to be worth several million dollars. Under the terms of the decedent's will, the executor does not have the power to donate the collection as a charitable contribution. The conclusion was reached that the only feasible method of disposition would be to sell the collection at public auction through a series of sessions spread over several years so as not to unduly depress the market at any time. In the interim, officials of the Smithsonian Institution expressed a keen interest in acquiring the collection as a whole.

The Smithsonian Institution and the estate have discussed various possible alternatives for the Smithsonian to acquire the collection and for the estate to receive fair market value for it. It was decided by the estate and the Smithsonian that private legislation should be sought to permit the Smithsonian to acquire the collection through a reduction of the estate's Federal estate tax liability in the amount of the fair market value of the collection.

The estate then secured the services of two expert appraisers and supplied them with instructions as to the valuation principles to be applied in arriving at a fair market value for the collection as a whole. The collection was eventually appraised at \$5,534,808. This is the amount of the estate tax credit which is provided in S. 2409.

Although the Internal Revenue Service has not attempted to verify the accuracy of the amount eventually arrived at by the appraisers, the Service has determined that the appraisers were qualified and that the valuation instructions given to the appraisers by the estate were in accordance with the principles prescribed by the Internal Revenue Service for determinations of fair market value for estate tax purposes generally. The Smithsonian Institution is satisfied that the fair market value of the collection is \$5,534,808.

The Department of the Treasury states in its report that enactment of the bill would result in a revenue loss of the amount involved in the bill, plus interest on that amount from the due date of the estate tax return to the date of delivery of the collection to the Smithsonian. In view of the fact that the revenue loss approximately equals the fair market value, as determined by the estate's expert appraisers and as agreed to by the Smithsonian, of the property which the U.S. Government will obtain through the acquisition of the coin collection by the Smithsonian Institution, the advisability of the bill depends upon the desirability of that acquisition. The Treasury Department has been informed by the Smithsonian Institution that the acquisition will be beneficial to the Government.

It is worthy to note that the curator of numismatics of the Smithsonian has stated that the acquisition of the Lilly coins would make the Smithsonian's collection second to none in the world. Professional numismatists are of the opinion that the Lilly collection could never be reassembled and that its dissolution would be most unfortunate.

In its report, the Treasury Department stated that a 30-day delivery date would seem essential in order to avoid the possibility of the estate's being able to retain the collection for a prolonged period and deliver it at some indefinite future date and still claim the credit.

The committee, after study of the facts in this matter, believes that the acquisition of this coin collection is one that should be accomplished. If this coin collection, as set forth, is second to none in the world, this acquisition by the Smithsonian Institution for display to the public is most desirable. Since the value of the coin collection is given as a tax credit to the estate of Mr. Lilly, the Government is in effect receiving the value of the coin collection in return for the tax credit, which means in dollars and cents that there is a loss in revenue, but at the same time, an acquisition by the United States in approximately the same amount. The committee, therefore, strongly recommends that the bill S. 2409 be considered favorably.

#### EXTENSION OF PUBLIC LAW 480

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1048, S. 2986.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2986) to extend Public Law 480, 83d Congress, for 3 years, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 6, after "December 31," strike out "1970" and insert "1971"; and on page 2, line 11, after the word "finance" insert "with not less than 2 per centum of the total sales proceeds received each year in each country"; so as to make the bill read:

S. 2986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "December 31, 1968" and inserting in lieu thereof "December 31, 1971."*

SEC. 2. (a) Section 104(h) of such Act is amended by inserting before the semicolon

at the end thereof the following: ". Not less than 5 per centum of the total sales proceeds received each year shall, if requested by the foreign country, be used for voluntary programs to control population growth".

(b) Section 109(a) of such Act is amended by striking out the word "and" at the end of clauses (7) and (8), changing the period at the end of such subsection to a semicolon, and adding the following:

"(10) carrying out voluntary programs to control population growth."

SEC. 3. Section 104(b)(2) of such Act is amended to read as follows:

"(2) finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international education and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit private educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the National Foundation on the Arts and the Humanities Act of 1965, and the Public Broadcasting Act of 1967;"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. ELLENDER. Mr. President, this bill, with the committee amendments, would extend Public Law 480, 83d Congress, for 3 years, with added emphasis on family planning and educational exchange.

Public Law 480 was enacted July 10, 1954. Its purpose at that time was to dispose of surplus agricultural commodities and provide aid to foreign countries that needed our help. It was enacted on an experimental basis for 3 years. It has been extended from time to time, and in 1966 was substantially revised, the disposal of surplus agricultural commodities no longer being specified as a purpose.

The program has worked well and the committee received no objections to enactment of the pending bill. Hearings were held on March 13, 14, and 15, and the bill was reported by unanimous vote of the committee.

From July 10, 1954, when Public Law 480 was approved through December 31, 1967, agreements have been signed for the sale of commodities with a market value of \$12.4 billion—\$18 billion Commodity Credit Corporation cost. Sales proceeds are used for economic and other aid, loans, and other purposes. Dollar receipts by the United States totaled just under \$1.7 billion through June 30, 1967.

Donations under title II through December 31, 1967, have totaled \$5.7 billion, consisting of \$3.1 billion through voluntary relief agencies and \$2.6 billion on a government-to-government basis or through the world food program.

The United States has been very generous under this program; too generous. A greater effort should be made to get other nations to provide their fair share of aid to needy countries.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 1066), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### COMMITTEE CONSIDERATION

The committee held hearings on March 13, 14, and 15 on all of the bills before it on this matter—S. 2891, S. 2986, and S. 3069; and heard all witnesses who desired to be heard. S. 2891 and S. 3069 were simple 3-year extensions of Public Law 480, S. 2986, as introduced, provided for a 2-year extension of Public Law 480 and contained provisions emphasizing the need for population control and mutual educational and cultural exchange activities. The hearings showed that the program has been successful and there was little sentiment for any substantial change in it. Suggested changes were minor and were fully considered by the committee.

In addition to matters raised at the hearings, the committee gave some consideration to the question of port charges on title II shipments. It was advised that in the case of food donated under title II of Public Law 480 for distribution to needy people abroad, through American voluntary agencies and directly to governments for emergency relief and child feeding programs, the United States pays the ocean shipping costs. The United States has been paying normal shipping billings in which certain port charges have been hidden in the billing. In some cases the recipient governments were obligated to pay these port charges but it has not been possible to identify these charges and they have not been paying them. The Agency for International Development now proposes to negotiate with the 16 major recipient countries a flat 10-percent payment of the total shipping charges which represents the average part of the ocean freight billing attributable to port charges. The committee felt that this proposal should be pursued assiduously.

Another matter brought to the committee's attention other than through the hearings was a suggestion by Senator Williams of Delaware for the inclusion of a provision somewhat similar to section 9 of S. 2902. This would provide for the sale of surplus foreign currencies to U.S. tourists at a discount. It would be available only if the tourist confined his travel to countries where the United States had surplus foreign currencies, plus the travel necessary to reach such countries. The purpose of this provision would be to alleviate the balance-of-payments problem without restricting our citizens' traditional right to travel freely. The committee felt that the administrators of the program should make every effort to achieve this objective. They have the authority now to do so, and no further authority is needed. The committee considered a mandatory direction to the administrators on this point, but realizing the difficulties involved in obtaining the host country's approval, possible effects on the host country's currency, and other problems involved in it, the committee decided not to make it a mandatory requirement. While not mandatory, it should be an objective of the program administrators.

#### GENERAL BACKGROUND

Public Law 480, 83d Congress, was enacted in 1954 as the Agricultural Trade Development and Assistance Act of 1954. Its purpose was to use agricultural commodities which were surplus to our needs to provide aid to friendly countries, promote trade, and advance our foreign policy interests. It has been amended and extended many times through the years. In 1966 it was substantially revised by the Food-for-Peace Act of 1966. At that time our stocks of agricultural commodities were greatly reduced, and it was recognized that the program was no longer being used as a means of disposing usefully

of surplus commodities but was still needed as a means of helping other countries.

Public Law 480 consists of four titles.

Title I provides for the sale of agricultural commodities for foreign currencies or on credit for dollars. Foreign currencies derived from such sales are used for economic and other aid to the host country, U.S. costs in the host country, and other purposes agreed upon by the two countries. Where sales are for dollars on long-term credit, the purchaser is able to sell the commodities and use the money received for economic development within the country pending payment to the United States.

Title II provides for donations of agricultural commodities to meet urgent relief requirements, combat malnutrition, or promote economic development.

Title III provides for barter.

Title IV contains definitions and general provisions.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to extend Public Law 480, 83d Congress, for 3 years, and for other purposes."

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, there is a nomination at the desk which was reported unanimously by the Committee on the Judiciary earlier today and which has been cleared on both sides. I ask unanimous consent that the Senate go into executive session to consider the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

The bill clerk read the nomination of William C. Keady, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. I ask that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Bernard Norwood, of New Jersey, to be a member of the U.S. Tariff Commission, which was referred to the Committee on Finance.

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRESIDENT JOHNSON ASKS NATION TO JOIN TOGETHER IN UNITED PURPOSE BEFORE NAB IN CHICAGO

Mr. SMATHERS. Mr. President, President Johnson asked the National Association of Broadcasters in Chicago to help him promote unity in America during a time of challenge.

America faces deep divisions over problems at home and over the war in Vietnam. We are daily told of the cleavage between rich and poor, black and white, hawk and dove.

But the problems we face as a nation are too complex, the challenges too great, the issues too important, for America to face them with a house divided.

President Johnson reminded the National Association of Broadcasters that they must use their enormous power to help this Nation face the challenges of the decade united. As the President told them:

Where there is great power, there must also be a great responsibility. This is true for broadcasters just as it is true for Presidents.

The mass media—which have the potential to tie our Nation together—must show the works of progress as well as the problems, stress our basic unity of purpose as well as the partisan divisions, explain our accomplishments as well as our challenges.

President Johnson has made the supreme sacrifice to end divisiveness at home by taking the office of President out of the political arena.

The broadcasting industry and the people of America must make an equally great effort to heal the wounds in our body politic.

On our efforts—and our success—rests the future well-being of our country.

I ask unanimous consent that the President's speech to the National Association of Broadcasters in Chicago be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

#### REMARKS OF THE PRESIDENT BEFORE THE NATIONAL ASSOCIATION OF BROADCASTERS, CHICAGO, ILL., APRIL 1, 1968

Mayor Daley, Mr. Wasilewski, ladies and gentlemen:

Some of you might have thought from what I said last night that I had been taking elocution lessons from Lowell Thomas. One of my aides said this morning: "Things are really getting confused around Washington, Mr. President."

I said, "How is that?"

He said, "It looks to me like you are going to the wrong convention in Chicago."

I said, "Well, what you all forgot was that it is April Fool."

Once again we are entering the period of national festivity which Henry Adams called "the dance of democracy." At its best, that can be a time of debate and enlightenment. At its worst, it can be a period of frenzy. But always it is a time when emotion threatens to substitute for reason. Yet the basic hope of a democracy is that somehow—amid all the frenzy and all the emotion—in the end, reason will prevail. Reason just must prevail . . . if democracy itself is to survive.

As I said last evening, there are very deep and emotional divisions in this land that we love today—domestic divisions, divisions over the war in Vietnam. With all of my heart, I just wish this were not so. My entire career in public life—some 37 years of it—has been devoted to the art of finding an area of agreement because generally speaking, I have observed that there are so many more things to unite us Americans than there are to divide us.

But somehow or other, we have a facility sometimes of emphasizing the divisions and the things that divide us instead of discussing the things that unite us. Sometimes I have been called a seeker of "consensus", more often that has been criticism of my actions instead of praise of them. But I have never denied it. Because to heal and to build support, to hold people together, is something I think is worthy and I believe it is a noble task. It is certainly a challenge for all history in this land and this world where there is restlessness and uncertainty and danger. In my region of the country where I have spent my life, where brother was once divided against brother, my heritage has burned this lesson and it has burned it deep in my memory.

Yet along the way I learned somewhere that no leader can pursue public tranquility as his first and only goal. For a President to buy public popularity at the sacrifice of his better judgment is too dear a price to pay. This nation cannot afford such a price, and this nation cannot long afford such a leader.

So, the things that divide our country this morning will be discussed throughout the land. I am certain that the very great majority of informed Americans will act, as they have always acted, to do what is best for their country and what serves the national interest.

But the real problem of informing the people is still with us. I think I can speak with some authority about the problem of communication. I understand, far better than some of my severe and perhaps intolerant critics would admit, my own shortcomings as a communicator.

How does a public leader find just the right word or the right way to say no more or no less than he means to say—bearing in mind that anything he says may topple governments and may involve the lives of innocent men?

How does that leader speak the right phrase, in the right way, under the right conditions, to suit the accuracies and contingencies of the moment when he is discussing questions of policy, so that he does not stir a thousand misinterpretations and leave the wrong connotation or impression?

How does he reach the immediate audience and how does he communicate with the millions of others who are out there listening from afar?

The President, who must call his people to meet their responsibilities as citizens in a hard and enduring war, often ponders these questions and searches for the right course.

You men and women—who are masters of the broadcast media—surely must know what I am talking about. It was a long time ago when a President once said: "The printing press is the most powerful weapon with which man has ever armed himself." In our age, the electronic media has added immeasurably to man's power. You have within

your hands the means to make our nation as intimate and informed as a New England town meeting.

Yet the use of broadcasting has not cleared away all of the problems that we still have of communications. In some ways, I think, sometimes it has complicated them. Because it tends to put the leader in a time capsule: It requires him often to abbreviate what he has to say. Too often it may catch a random phrase from his rather lengthy discourse and project it as the whole story.

Mayor Daley, I wonder how many men in public life have watched themselves on a TV newscast and then been tempted to exclaim: "Can that really be me?"

There is no denying it: you of the broadcast industry have enormous power in your hands. You have the power to clarify and you have the power to confuse. Men in public life cannot remotely rival your opportunity—day after day, night after night, hour after hour and the half hour, sometimes—you shape the nation's dialogue.

The words that you choose, hopefully, always accurate and hopefully always choice, are the words that are carried out for all of the people to hear.

The commentary that you provide can give the real meaning to the issues of the day or it can distort them beyond all meaning. By your standards of what is news, you can cultivate wisdom—or you can nurture misguided passion.

Your commentary carries an added element of uncertainty. Unlike the printed media, television writes on the wind. There is no accumulated record which the historian can examine later with a 20-20 vision of hindsight, asking these questions: "How fair was he tonight? How impartial was he today? How honest was he all along?"

Well, I hope the National Association of Broadcasters, with whom I have had a pleasant association for many years, will point the way to all of us in developing this kind of a report because history is going to be asking very hard questions about our times and the period through which we are passing.

I think that we all owe it to history to complete the record.

But I did not come here this morning to sermonize. In matters of fairness and judgment, no law or no set of regulations and no words of mine can improve you or dictate your daily responsibility.

All I mean to do, and what I am trying to do, is to remind you where there is great power, there must also be a great responsibility. This is true for broadcasters just as it is true for Presidents—and seekers for the Presidency.

What we say and what we do now will shape the kind of a world that we pass along to our children and our grandchildren. I keep this thought constantly in my mind during the long days and somewhat longer nights when crisis comes at home and abroad.

I took a little of your prime time last night. I would not have done that except for a very prime purpose.

I reported on the prospects for peace in Vietnam. I announced that the United States is taking a very important unilateral act of de-escalation—which could—and I fervently pray will—lead to mutual moves to reduce the level of violence and de-escalate the war.

As I said in my office last evening, waiting to speak, I thought of the many times each week when television brings the war into the American home.

No one can say exactly what effect those vivid scenes have on American opinion. Historians must only guess at the effect that television would have had during earlier conflicts on the future of this nation—

During the Korean War, for example, at that time when our forces were pushed back there to Pusan;

Or World War II, the Battle of the Bulge, or when our men were slugging it out in Europe or when most of our Air Force was

shot down that day in June of 1942 off Australia.

But last night television was being used to carry a different message. It was a message of peace. It occurred to me that the medium may be somewhat better suited to conveying the actions of conflict than to dramatizing the words that the leaders use in trying and hoping to end the conflict.

Certainly, it is more "dramatic" to show policemen and rioters locked in combat—than to show men trying to cooperate with one another.

The face of hatred and of bigotry comes through much more clearly—no matter what its color. The face of tolerance, I seem to find, is rarely "newsworthy."

Progress—whether it is a man being trained for a job or millions being trained or whether it is a child in Head Start learning to read or an older person of 72 in adult education or being cared for in Medicare—rarely makes the news, although more than 20 million of them are affected by it.

Perhaps this is because tolerance and progress are not dynamic events—such as riots and conflicts are events.

Peace, in the news sense, is a "condition". War is an "event".

Part of your responsibility is simply to understand the consequences of that fact—the consequences of your own acts and part of that responsibility, I think, is to try—as very best we all can—to draw the attention of our people to the real business of society in our system; finding and securing peace in the world—at home and abroad. For all that you have done and that you are doing and that you will do to this end, I thank you and I commend you.

I pray that the message of peace that I tried so hard to convey last night will be accepted in good faith by the leaders of North Vietnam.

I pray that one time soon, the evening news show will have—not another battle in the scarred hills of Vietnam—but will show men entering a room to talk about peace.

That is the event that I think the American people are urging and longing to see.

President Thieu of Vietnam and his government are now engaged in very urgent political and economic tasks which I referred to last night—and which we regard as very constructive and hopeful. We hope the Government of South Vietnam makes great progress in the days ahead.

But some time in the weeks ahead—immediately, I hope—President Thieu will be in a position to accept my invitation to visit the United States so he can come here and see our people too, and together we can strengthen and improve our plans to advance the days of peace.

I pray that you and that every American will take to heart my plea that we guard against divisiveness. We have won too much, we have come too far, and we have opened too many doors of opportunity, for these things now to be lost in a divided country where brother is separated from brother. For the time that is allotted me, I shall do everything in one man's power to hasten the day when the world is at peace and Americans of all races—and all creeds—of all convictions—can live together—without fear or without suspicion or without distrust—in unity, and in common purpose.

United we are strong; divided we are in great danger.

Speaking as I did to the nation last night, I was moved by the very deep convictions that I entertain by the nature of the office that is my present privilege to hold. The office of the Presidency is the only office in this land of all the people. Whatever may be the personal wishes or preferences of any man who holds it, a President of all the people can afford no thought of self.

At no time and in no way and for no reason can a President allow the integrity of or the responsibility or the freedom of the

office ever to be compromised or diluted or destroyed because when you destroy it, you destroy yourselves.

I hope and I pray that by not allowing the Presidency to be involved in divisive and deep partisanship, I shall be able to pass on to my successor a stronger office—strong enough to guard and defend all the people against all the strain that the future may bring us.

You men and women who have come here to this great progressive city of Chicago, lead by this dynamic and great public servant, Dick Daley, you yourselves are charged with a peculiar responsibility. You are yourselves trustees, legally accepted trustees and legally selected trustees of a great institution on which the freedom of our land utterly depends.

The security, the success of our country, what happens to us tomorrow—rests squarely upon the media which disseminates the truth on which the decisions of democracy are made.

An informed mind—and we get a great deal of our information from you—is the guardian genius of democracy.

So, you are the keepers of a trust. You must be just. You must guard and you must defend your media against the spirit of faction, against the works of divisiveness and bigotry, against the corrupting evils of partisanship in any guise.

For America's press, as for the American Presidency, the integrity and responsibility and the freedom, the freedom to know the truth and let the truth make us free, must never be compromised or diluted.

The defense of our media is your responsibility. Government cannot and must not and never will—as long as I have anything to do about it—intervene in that role.

But I do want to leave this thought with you as I leave you this morning: I hope that you will give this trust your closest care, acting as I know you can, to guard not only against the obvious, but to watch for the hidden.

It is sometimes unintentional. We often base instructions upon the integrity of the information upon which Americans decide. Men and women of the airways fully—as much as men and women of public service—have a public trust and if liberty is to survive and to succeed, that solemn trust must be faithfully kept. I don't want—and I don't think you want—to wake up some morning and find America changed because we slept when we should have been awake, because we remained silent when we should have spoken out, because we went along with what was popular and fashionable, and "in" rather than what was necessary or was right.

Being faithful to our trust ought to be the prime test of any public trustee in office or on the airways.

In any society, all of the students of history know that a time of division is a time of danger. In these times now we must never forget that eternal vigilance is the price of liberty.

Thank you for wanting me to come.

**RECLAMATION REPAYMENT**

Mr. JACKSON. Mr. President, the Bureau of Reclamation has recently completed a summary of the repayment which has been made to the United States by the beneficiaries of the Bureau's water resource projects. The summary shows that by the end of fiscal year 1967, nearly a billion dollars had been repaid out of a total Federal investment of \$5.5 billion since the program began in the early years of this century.

Because many of the largest reclamation projects are still under construction or have only recently been completed, the rate of repayment will increase rap-

idly in the years to come. Ultimately, out of the total program of \$9 billion authorized to date, almost \$8 billion will be repaid to the Treasury by the beneficiaries. These figures, of course, represent only a fraction of the wealth produced by the program.

Reclamation's 114 projects or units in the 17 Western States now irrigate 8 million acres of farmlands producing more than 150 different crops. The gross value of crops produced on these lands has topped a billion dollars a year for the past 8 years. Since the reclamation program began in 1903, approximately \$25 billion worth of crops have been grown on lands irrigated by reclamation projects.

When a million dollars is spent building a reclamation project, some 65 man-years of employment are created at the construction site, and at least another 65 man-years of employment throughout the country where the material and equipment are manufactured. For each dollar spent at construction sites, another dollar goes to purchase those materials.

More than 3,000 water service and repayment contracts are in force totaling about \$2.5 billion. Hydroelectric revenues from reclamation projects exceeded \$112 million last year alone.

Mr. President, I ask unanimous consent that the information release of the Department of the Interior outlining the repayment summary be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

**RECLAMATION REPAYMENTS NEAR \$1 BILLION MARK**

The Department of the Interior reported today that total repayments from Bureau of Reclamation water resource developments had reached nearly one billion dollars by the end of fiscal year 1967. The Department said the repayments came from beneficiaries of Reclamation projects representing expenditures of about \$5.5 billion in plant, property, equipment, and corollary costs.

Commissioner of Reclamation Floyd E. Dominy expressed his satisfaction at the growing rate of returns from Reclamation developments throughout the 17 Western States. "We are rapidly approaching the point where we will have received a dollar back for every five dollars spent on construction," Commissioner Dominy said. "And of course, that's just a beginning. Many of our biggest and most expensive projects are still under construction or in the early development stages, and have returned little or nothing as yet to the Federal treasury. In spite of this, the overall picture shows a steadily rising rate of return from the investment in all Reclamation projects. Eventually, from our total authorized construction program of \$9 billion, just a shade under \$8 billion will be returned to the Federal government by project beneficiaries."

Figures on actual construction costs of Reclamation projects over the last decade as compared to the amounts repaid by project beneficiaries are shown in the following table:

Fiscal year	Actual cost to date	Repaid	Percent of repayment
1957	\$2,962,170,706	\$355,514,171	12
1960	3,493,409,822	441,964,777	13
1964	4,725,303,711	671,832,593	14
1967	5,502,264,607	931,643,953	17

"These figures clearly show the rising rate of return on the Federal investment in the Reclamation program," Commissioner Dominy said. "Over the years the returns will continue to rise until 89 percent of our authorized construction costs have been returned to the Federal treasury."

"I want to point out that these figures reflect only direct cash returns," Commissioner Dominy said. "They represent only a small fraction of the actual value of the Reclamation program. When you consider such factors as the value of crops grown on lands irrigated by Reclamation projects, the phenomenal municipal and industrial growth made possible by Reclamation water supplies, and tax returns from Reclamation areas—when you consider all those indirect returns it is obvious that Bureau of Reclamation water resource developments create wealth many times over the Federal investment in the program."

**COOPERATIVES FORGE PROUD RECORD IN WISCONSIN**

Mr. PROXMIRE. Mr. President, dairy- and cooperatives both are immensely important to Wisconsin and its agricultural industry. A recent report from the Farmer Cooperative Service, U.S. Department of Agriculture, spotlights again in the importance of both to my State.

This release shows Wisconsin to be No. 1 among dairy cooperatives in all States with its \$507 million annual business.

The same set of statistics shows Wisconsin ranks second in another category, number of cooperatives, with 1,541 headquartered in the State. In addition, other regional cooperatives also have local members in Wisconsin.

The volume of business for dairy cooperatives for the latest annual report for 1965-66 was up 37 percent over a decade earlier. The total for all cooperatives in the State was over \$808 million, up 50 percent over 10 years earlier.

Cooperatives have been closely interwoven with farming for nearly a half century in the State, although some trial and error attempts at cooperatives go back more than a century.

Farmers in Illinois and Wisconsin organized buying clubs to purchase production supplies as long ago as the 1850's. And in 1857 Wisconsin farmers formed the Dane County Farmers' Protective Union and built a grain elevator in Madison. This is one of the earliest formally organized co-ops on record in this country.

Coming down to recent times, Wisconsin has more than pioneering in which to take pride. Its cheese is world famous. And here again cooperatives can take their share of acclaim for turning out quality products known far and wide. As one example, Lake to Lake Dairy Cooperative, Manitowoc, Wis., in the early 1960's received the first authorization from the U.S. Department of Agriculture to label consumer packages of cheddar cheese with the U.S. grade AA shield.

Another Wisconsin dairy cooperative, Turtle Lake Cooperative Creamery Association, also received the very first authorization from the Department of Agriculture to label its dried skim milk as strictly grade A quality.

Just recently three Wisconsin cooperatives showed they were in tune with the computer age by joining together to own

and operate a large computer in their new Cooperative Service Center at Baraboo. The three co-ops are Equity Cooperative Livestock Sales Association, Tri-State Breeders Cooperative; and Wisconsin Dairies Cooperative.

R. G. Hvam, general manager of Equity and president of the nine-man board representing all three co-ops in the service center, reports on this combined operation in an article in Farmer Cooperative Service's monthly magazine, News for Farmer Cooperatives. He says the center helps these organizations implement and improve many organizational and managerial services that each formerly had to maintain separately—and with better service at lower cost to members.

The center keeps books and maintains records for each of the three members. The computer will process about \$60 million worth of their business annually. The livestock auctions and main office of Equity use the computer to maintain sales records, monthly operating reports, and other records. Tri-State uses it to keep sire records and technician's efficiency ratings, among other services. And Wisconsin Dairies gets its inventories, producer milk delivery records, cost analyses, and other needed operating information processed there.

The three cooperatives also work together in the center with joint storage, group orders for many items, and are planning joint mailing and duplicating a little later. They are also jointly housed in the Center.

The annual statistics of the Farmer Cooperative Service for the State show total cooperative marketing business of \$647,497,000 and total purchasing cooperative business of \$152,611,000, done with cooperatives headquartered in Wisconsin. Fruit and vegetable products amounted to \$25,680,000; poultry products amounted to \$22,397,000; and grain, \$5,387,000. Feed business amounted to \$45,808,000; seed, \$4,626,000, and building materials, \$3,716,000.

The report also shows Wisconsin with cooperative memberships of 389,170. Since members often belong to more than one cooperative, this figure represents some duplication.

But it again shows the high proportion of the State's farmers who are using the self-help principle so deeply imbedded in cooperatives to improve their incomes and their farming operations.

I would be remiss if I did not acknowledge the fine work of the Wisconsin State Department of Agriculture and the University of Wisconsin in their long and effective support of farmer cooperatives in the State. Their teamwork with farmers in building their own business enterprises is a fine accomplishment and is to be commended.

#### EDITORIAL OPINION OF SPEECH BY PRESIDENT JOHNSON

Mr. McGEE. Mr. President, it seems to me to be inconceivable that anyone could take issue with President Johnson's gesture for peace in Vietnam. But, sadly, it seems they have, though indications are at hand today that the critics may have spoken too soon.

We have already heard some criticism that the President did not go far enough in his announced bombing halt. I am led to believe that these critics would want the President to utterly disregard the welfare and safety of American troops now in the demilitarized zone.

The President made it clear Sunday evening that this bombing halt would include more than 90 percent of North Vietnam, with the exception of those areas known to be used by the North Vietnamese to resupply their forces around Khe Sanh and other strategic areas in the DMZ.

This is a responsible posture. Certainly, no one should expect the United States to greatly endanger the lives of their own forces in order to prove our sincerity. I think we have amply proved sincerity in this matter.

The record will show that it was the United States that unilaterally deescalated without word from Hanoi that such a move would be matched by the North Vietnamese. We have taken the initiative toward peace in a most dramatic and meaningful way. And today, of course, we have seen a response. I am not in a position now to assess its total significance, but it is a response—the most concrete response from Hanoi to date of an affirmative nature.

I completely reject the views of those who now say that President Johnson did not go far enough. For it seems to me he did far more Sunday evening than any world leader has ever done to prove his desire for peace. I note, Mr. President, that the American press agrees. I ask unanimous consent to have printed in the RECORD a sampling of editorial opinion concerning the President's address Sunday night.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer,  
Apr. 2, 1968]

#### A WIDE-RANGING BID FOR PEACE

President Johnson's new moves for peace in Vietnam, announced in his television address Sunday night, constitute the most comprehensive effort he has yet made to end the war on honorable terms.

It is a many-sided peace package, encompassing some proposals made previously, and combining them with fresh initiative to deescalate the fighting and bring the Communists to a conference table.

A dramatic step in this direction was taken by the President, unilaterally, in his order for an immediate cessation of bombing missions to all parts of North Vietnam except areas adjacent to the Demilitarized Zone—where enemy activity is a direct threat to American and Allied forces across the border in South Vietnam.

Additionally, Mr. Johnson issued public appeals to Great Britain and the Soviet Union—in their capacities as co-chairmen of the Geneva conferences of 1954 and 1962 dealing with Southeast Asian problems—to make renewed peace efforts. He designated two of America's most distinguished diplomats, Averell Harriman and Llewellyn Thompson, to serve as his personal representatives to make arrangements for peace talks at Geneva or anywhere else that the Red regime in Hanoi considers a suitable location.

In planning to call up some reserve units, and to send approximately 13,500 additional American troops to Vietnam, while the South Vietnamese Government intensifies its own

recruiting and mobilizing of military manpower, President Johnson has emphasized that he intends to negotiate peace terms from a position of strength, not weakness.

[From the New York Times, Apr. 2, 1968]  
GESTURE FOR PEACE

President Johnson's suspension of virtually all bombing of North Vietnam, taken in conjunction with his announcement that he will not seek re-election, is a peace overture that Hanoi and its allies can refuse to recognize only at tragic cost to themselves and to the world.

Abandoning policies to which he has been personally and deeply committed, the President has now turned away from the futile doctrine of military escalation for victory in Vietnam and turned toward a search for a political solution in which "all the South Vietnamese"—a stipulation he emphatically repeated—will play a part, in accordance with the Geneva Accords. He has reaffirmed his Manila pledge to withdraw American forces from Vietnam as the violence subsides and repeated his Johns Hopkins promise to support a Mekong Valley development program in which the North Vietnamese could participate.

Above all, Mr. Johnson has taken the crucial first step of halting the bombing of North Vietnam as Hanoi has demanded and as many others have long urged. The importance of this gesture is not significantly diminished by the fact that bombing continues in the area just north of the demilitarized zone. It is unreasonable to expect any commander in chief to abandon vital tactical support so long as allied troops in northern outposts are subject to dangerous pressures from across the DMZ. The President indicated that when this pressure subsides, the bombing will subside also.

Hanoi and Moscow must realize that President Johnson has gone as far in this initial move toward peace as any American leader can be expected to go, now or later. Indeed, by removing himself from the political struggle, Mr. Johnson has acquired a credibility and a flexibility in negotiating that is greater than may be expected from the man who succeeds him next January, no matter who that man may be. If the President's peace initiative is rebuffed, the chances for the election of a candidate oriented toward peace next November will be diminished. The possibilities for a negotiated settlement, in short, will never be better than they are now.

[From the Baltimore Sun, Apr. 2, 1968]

#### VIETNAM POLICY

The high statesmanship of the President's revised policy on Vietnam has unquestionably given this country a fresh confidence in the judgment of the White House, and the feeling is reflected in reactions throughout the free world. Mr. Johnson, who had seemed to be caught in an inflexible, sterile pattern of military-diplomatic strategy that in fact became steadily more military and less diplomatic, now reveals that the reevaluation of which we have heard so much has been a genuine rethinking of the whole Vietnamese question. For all who hope for an end to war, and an honorable peace, the revelation is most welcome.

How does Hanoi see it? How does Peking? How does Moscow? Those are now the questions we need answers to. From Hanoi none seems likely at once (unless there has been some signal from Hanoi that the public is unaware of), since that is the kind of thing that needs thinking about. Nor is Peking apt to rush into any response. Moscow? Mr. Johnson appealed to Moscow directly, and named as one of his representatives in any discussions—along with Averell Harriman—our Ambassador to Russia. London also has appealed to Moscow. The leaders of the Soviet Union may have here an opportunity, if they will but seize it, to match the Presi-

dent's statesmanship with statesmanship of their own.

Meanwhile Mr. Johnson, on behalf of his country, has acted unilaterally to reduce the level of violence in the Vietnamese war. The bombing halt over most of North Vietnam differs from earlier pauses not only in its indefinite duration but in its context; in the changed atmosphere in which the decision was made. The troop reinforcement of little more than one tenth the numbers proposed by the military is a plain sign, for the American public and for the world, that the military is not in charge of the foreign policy of the United States.

As we await further developments, and watch their intricate workings-out, we can know at the very least that we have in the Presidency a man who, proud and ambitious though he is, places nation above self, and sees our affairs in a much soberer, clearer way than he has sometimes been given credit for.

[From the Philadelphia Bulletin, Apr. 1, 1968]

#### UNILATERALLY, AND AT ONCE

President Johnson's unilateral halt to the bombing of virtually all of North Vietnam very clearly represents a crucial test of the sincerity of Hanoi's often repeated desire for a negotiated peace.

It may, in fact, be a final test.

While Mr. Johnson characterized the halt in both air and sea attacks everywhere in North Vietnam except in the immediate area of the so-called demilitarized zone, it is more than a renewal of past offers. It is a major change in Administration policy, a massive yielding on the part of President Johnson.

There were no preconditions, no demand for a prior assurance from Hanoi that it would not take advantage of the halt to rush great numbers of men, great amounts of material to the south. Instead, Mr. Johnson said only that the United States would "assume" that the leaders of North Vietnam would not take military advantage of our "restraint."

Against the background of Mr. Johnson's dramatic announcement that he will not be a candidate for reelection, the halt in the bombing and naval activity against North Vietnam becomes a significant step by this country in the interest of world peace.

Mr. Johnson is well aware, of course, of the risk involved. This factor places, all the more, the responsibility for the next move directly upon the government of North Vietnam. If it is sincere in what it has told U Thant and the world, it will respond through a reciprocal deescalation and as Mr. Johnson asked, react favorably and positively to "reach across the battlefield toward an early peace."

There is, as Mr. Johnson took pains to point out, no assurance that Hanoi will respond favorably to this peace offer. The realities of the military situation in South Vietnam, the history of past offers, actually offer little hope in this regard.

Hanoi might well see the President's twin moves as an admission of the failure of United States policy, a surrender to antiwar sentiment at home. Hanoi, it must be remembered, feels that it agreed too quickly to the terms of the 1954 Geneva accord and that it erred in not making far more in the way of demands of France. And Ho Chi Minh's whole philosophy militates against any move toward negotiation from the position of strength he may feel is his.

Thus, Mr. Johnson was correct in letting Hanoi and the world know that the United States is not seeking an easy way out, not willing to accept a "fake solution." And he was correct, too, while listing the steps he had taken to receive any reciprocal action on the part of North Vietnam, to tell the government there that it must not miscalculate the pressures which sweep the United States in a presidential election year.

The people of the United States share Mr.

Johnson's prayerful hope that the step he has taken will bring an end to the anguish that is Vietnam.

Last night was for Mr. Johnson a time of statesmanship, of nobility of purpose. On this issue of Vietnam the people can do no less than echo his determination to stand confident and vigilant in a quest for an honorable peace, but also ready to defend, whatever the burden, an honorable cause.

#### HOW STRONG IS THE FRANC?

Mr. SYMINGTON. Mr. President, in a recent article, Miss Sylvia Porter noted some interesting statistics about the French franc, including the fact that:

Of 45 currencies surveyed by the First National City Bank of New York to show the comparative shrinkage in their value during the most recent 10-year span, the French franc comes out way down in 31st place. (The dollar is in fourth place.)

The poor record of the franc has resulted in extensive gold hoarding by the French people and the Government. Such gold holdings add fuel to General de Gaulle's efforts to topple the dollar in effort to raise the price of gold.

As the article concludes:

None of this eases the challenge to our dollar. But it does . . . help put De Gaulle's franc where it belongs.

I ask unanimous consent that the article in question, "How Strong Is the Franc?" be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 28, 1968]

#### HOW STRONG IS THE FRANC?

(By Sylvia Porter)

The way French President Charles de Gaulle is continuing and actually stepping up his vicious attacks on the U.S. dollar in Stockholm today, you easily might conclude that he is leading from the strength of a powerful currency backed by a history of stable prices. He isn't, and below you'll find the facts to document this.

De Gaulle is obviously infuriated by the fact that the Free World's leading financial powers have reached agreement, without France, that in order to preserve the international monetary system, the dollar must be kept convertible into gold at the pledged price of \$35 an ounce.

He is trying to start a new stampede into gold which will send the price of the metal soaring in the free markets and thereby reward the speculators and hoarders (notably the French Government and French peasants) who have dumped dollars and loaded up on gold.

Let's not delude ourselves for an instant that the dollar is out of danger. It will sink into even greater peril if the United States doesn't use the time bought by the nation's agreement to slash the deficits in our domestic budget and in our balance of payments.

But this brutal reality doesn't make the French franc superior. De Gaulle's arrogance does not give truth to his exaggerated claims for the franc. To be specific:

The French franc's record: France has the worst record of any major industrial nation over the last 10 years on controlling living costs and thereby limiting erosion in the buying power of her money. Of 45 currencies surveyed by the First National City Bank of New York to show the comparative shrinkage in their value during the most recent 10-year span, the French franc comes out way down in 31st place.

The annual rate of depreciation in the franc from 1956 to 1967 was 4.7 percent. No other major currency had a depreciation as severe as that of the French franc.

In contrast, the First National City Bank survey shows the dollar in fourth place with an annual rate of depreciation over the 10 years of 1.8 percent. The United States is behind only Guatemala, Venezuela and Honduras, scarcely financial-industrial powers in the same category as the United States.

Admittedly, our record is now deteriorating and that's basic to our problem. But the franc's record still remains dreadful.

The devaluation history: The 20th century record of the franc has been hideous. Since 1910, the currency has lost 99 percent of its value in terms of the U.S. dollar.

In 1910, the franc was worth 20 U.S. cents; in 1920, it was down to 9c; in 1930, to 4c; in 1940, to 2c; in 1950, to 3/10 of a U.S. cent; and by 1960, it had shriveled to 2/10c.

In 1960, France ordered 100 old francs to be turned in for one new franc, thereby erasing a couple of zeros and making the franc that was worth 2/10 of a cent worth 20c. That made the currency appear "harder" and France's record since 1960 has been without blemish but that doesn't alter the history.

Again in contrast, the U.S. dollar has been devalued only once in our 179-year history. That took place in 1934 when the United States raised the price of gold from \$20.67 an ounce to \$35, equivalent to a 41 percent devaluation. That was 34 years ago.

France's gold record: Because of the franc's awful history, the French people and the French government have been traditionally hoarders of gold. France never has used her gold as we have, and England has, to develop world trade, promote the prosperity of nations. Instead, De Gaulle has taken the dollars France has accumulated and turned them in for our gold; since 1958, he has built France's gold hoard from next to nothing to over \$5¼ billion.

Of course, a reason France is trying to topple the dollar is the profit his government and the French people would make if the gold price soared. This goal ranks second only to De Gaulle's eagerness to see the downfall of the United States and the destruction of all who have trusted the U.S. dollar.

None of this eases the challenge to our dollar. But it does, I trust, help put De Gaulle's franc where it belongs.

#### THE MILWAUKEE JOURNAL ON SLUM LANDLORDS

Mr. PROXMIRE. Mr. President, I would like to take this opportunity to congratulate the Milwaukee Journal for one of the most perceptive and penetrating series of articles on slum landlords. The Journal assigned two crack reporters, Chris Lecos and Richard C. Vonier, to the task. They spent 6 months checking records on almost 36,000 pieces of slum property in Milwaukee. To quote from the article:

The records showed not only present ownership, but the history of each property, including past owners, financing arrangements, sale dates and, many times, sale prices. This provided a comprehensive picture of how thousands of homes flowed through the hands of a myriad of real estate firms, investors and individual buyers.

At the city health department, the reporters checked records of housing code violations and orders against rats, roaches and unsanitary garbage conditions in the core.

Thousands of records and case histories of specific addresses, some dating back 10 years or more to provide a picture of frequency of code violations against many properties, were examined.

A check of the county court's handling

of every housing violation case since 1963 followed.

Records at the secretary of state's office in Madison were used to obtain the identities of officers and board members of about 250 corporations that owned core property and lending agencies, partly to learn the connections between individuals.

All this was done just for this series of articles.

Although I plan to comment later on specific things they found, let me now just mention a few key findings.

They found that many of the slum properties were owned by a few individuals whose characteristics were described by one of the few as taking "knowledge, experience and a cast iron stomach." Another large slumowner described her many experiences in court on housing code violations by saying "When I go to court, I see all my cronies."

Obviously, many of the slumlords are transferring slum properties among themselves and, I would bet, are gaining great tax advantages by so doing. Secondly, the penalties meted out by the courts are not an effected deterrent. Even though the number of cases involving housing code violations which reach the courts are increasing and even though the penalties imposed by the courts are growing more severe, all too many properties still do not live up to the minimal standards prescribed by the Milwaukee housing code.

I think this clearly points to the need to pass my bill, S. 3234, which would disallow the depreciation deduction to landlords who have been convicted of violating the housing code. This would be a much greater inducement to landlords to maintain their properties than the penalties which can now be applied to them. This bill would also strike at those most capable of maintaining the property—the large professional landlord, the landlord who owns large numbers of slum properties as an investment. This is the individual who has the most to gain from the depreciation deduction and, under my bill, the most to lose unless he maintains his property.

#### JOHNSON STEPDOWN IS IN INTEREST OF NATIONAL UNITY AND PEACE

Mr. DODD. Mr. President, I know that all of us were deeply moved by President Johnson's announcement that he would not seek or accept the nomination of the Democratic Party for a second term as President of the United States.

However much some of us may regret the President's decision, it was clearly prompted by patriotic motivation—a motivation unalloyed by any consideration of self.

The President has pursued a course in Vietnam which he is profoundly convinced is right. He has pursued this course in the face of mounting criticism at home and abroad, and in the face of frequently cruel and unjust abuse.

The abuse President Johnson could take. But what disturbed him most was the growing acerbity of the division within the Nation on the question of Vietnam. Nor could he derive much comfort from the fact that President Lincoln himself during the Civil War passed

through a similar ordeal of abuse and lack of confidence and divisiveness.

Placing the unity of the Nation and the quest for peace above every other consideration, President Johnson has decided to make the supreme political sacrifice and step down at the close of his term.

I, for one, regret the President's decision. History will, I am certain, accord his administration very high marks. And I cannot help reflecting that the major source of the national disunity for which the President apparently now blames himself, is not so much the President as some of the more unrestrained critics of our Vietnam policy. In any case, the critics have now placed themselves in a position where they cannot escape responsibility for the future course of events.

Let us hope that the President's decision will help to bring about that greater unity of national purpose which eluded him.

Let us hope that his moving appeal to Ho Chi Minh will finally penetrate the hard crust of Communist obduracy and pave the way to a just settlement of the Vietnam conflict.

Let us hope for the best.

I think we need more information, however, before a clear assessment can be made of the significance of the statement put out by Hanoi this morning, in which it offered to discuss "the unconditional cessation of bombing and all other war acts against the North Vietnamese," but indicated no willingness to discuss the cessation of acts of war directed against the people of South Vietnam and the allied forces in South Vietnam.

Let us at least hope that Hanoi will move one step further and agree to make the discussions two-sided, because only such discussions can truly serve the cause of peace.

#### RETIREMENT OF MILTON RONSHHEIM, EDITOR OF CADIZ, OHIO, REPUBLICAN

Mr. LAUSCHE. Mr. President, it is with regret that I have learned that my good friend, Mr. Milton Ronsheim, editor of the Cadiz Republican, a weekly newspaper published at Cadiz, Ohio, is about to retire from the active field of journalism. I further regret that my heavy schedule will not permit me to attend a testimonial dinner that will be held in his honor Wednesday evening, May 10, and that I, therefore, will be denied an opportunity to greet him personally and wish him well.

I became acquainted with Mr. Ronsheim in 1944, when I was visiting Harrison County in my campaign for Governor of Ohio. I found him to be an honest, courageous, and successful newspaper editor, highly respected by all. He confided in me his deep concern for the economic future of Harrison County because of the thousands of acres of rich farmland that were being ravaged by the strip mining of coal. He is a true conservationist, and I shall never forget the valuable assistance he gave me in my long fight to enact a law requiring strip miners to restore the ugly spoil banks left by their operations.

I say to you, Milt: I have long cherished your friendship. You have been an honest and fair newspaperman and a credit to your profession and your community. Best wishes for good health and happiness in your retirement.

#### AREAWIDE PLANNING

Mr. PEARSON. Mr. President, all local units of government are hard pressed to provide the financial support for needed public facilities. But the difficulty of providing public services of high quality as well as the total cost of those services is often considerably increased because of the fragmented nature of our local government structure—there are usually at least a dozen or more governmental units in a given metropolitan area and surrounding rural areas. Because of the separate, independent identity of each of these units there is oftentimes an unnecessary duplication of public facilities in a given area.

Experience has shown that many of these problems can be overcome by areawide comprehensive planning. Effective planning can result in better service to more people throughout the area and also reduce total costs because of the "economy of scale" principle.

When several localities join to provide needed public facilities—be it a library, a sewer system, or a hospital—they can do it more efficiently and at a lower cost. The resultant economies benefit each participating jurisdiction.

When economies are achieved, more scarce local money is released for the achievement of other community objectives.

The encouragement of comprehensive, areawide planning is not only economical; in the case of public facilities, it often results in better service—the difference between mediocrity and excellence in community life.

Local planning and local initiative is a prime goal if we are to achieve the kind of healthy, orderly growth that is the basis of national progress. The major responsibility for areawide planning rests with the local governments themselves. But particularly because the Federal Government provides considerable grant-in-aid assistance to individual local governments for the development of public facilities, it is proper that the Federal Government also take steps to encourage the local units to develop areawide planning programs.

#### PHILADELPHIA INQUIRER DECRIES AMERICAN ARMS CONTRACT WITH JORDAN

Mr. PROXMIRE. Mr. President, a recent editorial in the Philadelphia Inquirer raises serious and pertinent questions regarding this country's decision to provide military arms to Jordan. The editorial points out that we are on record in support of the U.N. cease-fire resolution calling for an end to the hostilities between Israel and her Arab neighbors, yet our decision to provide arms to Jordan may actually exacerbate tensions in the area. For these arms, if they are used at all, will be used against Israel.

In effect we are simply following in the footsteps of the Russians who are rearming Egypt for another Mideast confrontation. Far from contributing to peace in this volatile area we are fanning the flames of another conflagration by providing Jordan with hardware that can only be used to tear down what we together with many of our friends in the United Nations are attempting to build up.

I ask unanimous consent that the Inquirer editorial be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### U.S. ARMS FOR JORDAN

The signing by the U.S. State Department of a new arms contract with Jordan has not come at the most propitious time—in the midst of a fresh eruption of hostilities between Jordan and Israel.

The U.S. is on record in favor of a cease-fire resolution in the United Nations Security Council, which was intended to bring to an end the warfare that broke out last June and resulted in quick Arab defeat. The U.S. joined other Security Council members last week in condemning Israel for its reprisal raid against guerrilla bases in Jordan, and in deploring all violations of the cease-fire.

Yet the Administration apparently sees no incongruity in furnishing Jordan with the arms and the planes which it may use in continued violation of the cease-fire order. It has to be a very naive person indeed who would think that the dozen or more F-104 jets, the 100 tanks and the other arms furnished Jordan in the latest State Department deal will be employed against any target except Israel.

Soviet Russia is in the process of replacing for Nasser all the planes, tanks and guns lost by the Egyptians in the rout of last June. Is it Administration policy in Washington to have the U.S. join in a race with the Soviets to arm the Arabs for still another try at destroying Israel? The West Bank of the Jordan, and now the East Bank, too, are littered with the debris of Jordanian tanks and armored cars wrecked in the exchange of gunfire with the Israelis. Those tanks and cars were American-made. Are we to go on replenishing the Arab arsenal for further war on Israel?

#### GENERAL ELECTRIC AND MILWAUKEE

Mr. NELSON. Mr. President, the 1967 annual report of the General Electric Co., is more than a statement of earnings. It tells the reader more than just statistics, that GE's sales and earnings reached a new high in 1967, and that there was a 7-percent rise in earnings.

Mr. J. W. Nelson, Jr., general manager of the General Electric Co., in Milwaukee accurately described this report when he said:

All of us are interested . . . in improving the quality of life in our community and each of us is working in his own way to make a contribution toward that end. The enclosed 1967 Annual Report tells the story of more than 300,000 General Electric men and women—2,500 of them in Milwaukee—who in addition to personal and private action are engaged in producing goods and services to help solve human problems in cities and communities across the nation.

From the heartbeat of a small boy made possible by his Pacemaker made here in Milwaukee to the electric heartbeat of a mighty city supplied by an atomic power

generation plant at Dresden, Illinois, General Electric apparatus and equipment serves the public. New ventures, such as information and communications systems for use in traffic control, education, medical surveillance and police work, speed communications in today's fast-paced world, GE rapid transit equipment helps people solve the problem of congested streets in heavily populated urban centers. Our homes have been made more comfortable through the use of many familiar GE products.

Milwaukee as well as all of Wisconsin is proud of the remarkable record achieved by General Electric. I have carefully looked at this annual report and highly recommend it to Senators. I would willingly supply copies to any Senator who would like to read the report.

#### RATIFICATION OF HUMAN RIGHTS CONVENTIONS WILL MOVE NATION ALONG LOGICAL STEPS TOWARD FREEDOM FOR ALL

Mr. PROXMIRE. Mr. President, our country is always manifesting its concern for the rights of man and our Declaration of Independence, penned 192 years ago, proclaimed that "all men are created equal, that they are endowed by their Creator with certain unalienable rights."

This Declaration was written by its authors for all men, not just in this country, but for men everywhere.

It was the 16th President, Abraham Lincoln, who stated that the Declaration gave liberty "not alone to the people of this country but the hope for all the world for all future time."

This did not mean, President Lincoln ventured, that the United States would attempt to bend other nations to its will.

It is my belief that in the handling of our policy with other nations we ought to be completely faithful to these great traditions embodied in the Declaration of Independence.

Our adherence to the ideals of liberty and equality on an international scale, I feel, is not an insubstantial factor in the affairs of the world.

The Senate ratification of the Human Rights Conventions on Forced Labor, Genocide, Freedom of Association, and the Political Rights of Women would be a logical endorsement of our Constitution and the Declaration.

These conventions are concerned with human life and rights and dignity.

It is time we face up to our responsibility and provide the support for these conventions for the continuing honor of our Nation and for its great destiny.

#### VIEWS OF ACTING SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON REPORT ON CIVIL DISORDERS

Mr. HARRIS. Mr. President, on March 26, in a front-page story, the Washington Post reported that the Acting Secretary of Health, Education, and Welfare, Mr. Wilbur J. Cohen, had criticized the report of the President's National Advisory Commission on Civil Disorders during a press conference the previous day. The statements Acting Secretary Cohen was reported to have made seemed

to me and to others to constitute a very serious undercutting of several of the most basic conclusions of that report. His reported remarks appeared all the more distressing in view of the fact that his Department itself administers a very large share of precisely those programs we must expand and redirect if we are to relieve the human suffering which fuels urban disorders.

I am very happy to report that Acting Secretary Cohen has twice urged me in private notes since that story appeared to set aside any doubts I may have had about the accounts of his press conference.

More important, he has also sent me copies of two speeches he made in recent days which express his general support for the Commission's report. For example, in a speech he made at Ann Arbor, Mich., last Friday, he said:

The National Advisory Commission on Civil Disorders recently reported that: "Our nation is moving toward two societies, one black, one white—separate and unequal. Reaction to last summer's disorders has quickened the movement and deepened the division." The Commission believes and I believe that this movement can be reversed if we continue to strengthen our commitment to human resources. There are many good recommendations in the Commission's Report which must be implemented.

An even stronger expression of support was voiced by Acting Secretary Cohen in a speech he made yesterday at American University. This address, which was accurately reported in a Washington Post story this morning, asserted that:

We need . . . to reverse the tide of cynicism and alienation and hostility.

This tide has founded its most tragic expression in the violence and destruction in the ghettos of American cities. The harsh and brutal facts of these disorders were comprehensively described and analyzed in the Report of the National Advisory Commission on Civil Disorders.

The Commission made a 500 page study of what happened during the riots, what caused them, and what can be done to prevent them in the future. Their Report is a valuable contribution to our thinking. It should be read and thoughtfully considered by everyone.

The Report pointed out that we are a Nation deeply divided. It put forward one blunt, troubling conclusion: "Our Nation is moving today toward two societies, one black, one white—separate but unequal."

The Report declared that racism exists in this country. It is at the root of discrimination and prejudice. Racism, of whatever form, must be eliminated before we can truly have an open and just society.

Mr. President, I ask unanimous consent that the two notes from Acting Secretary Cohen and a part of the first speech and the entire text of the second speech I have cited be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE,  
Washington, D.C., March 28, 1967.

HON. FRED HARRIS,  
U.S. Senate,  
Washington, D.C.

DEAR FRED: The newspaper stories on my views on the Civil Disorders Report are grossly misleading as to my views and do not truly reflect my recommendations on implementing the Report.

I am speaking on Friday in Ann Arbor and I enclose my speech which contains a statement as to my views on pages 7 and 8.

Sincerely yours,

WILBUR J. COHEN,  
Acting Secretary.

EXCERPTS FROM "THE WORLD OF 1976" BY  
WILBUR J. COHEN, SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE

(Presented at the Honors Convocation, University of Michigan, Ann Arbor, Mich., Mar. 29, 1968)

#### CHALLENGES

This Nation can no longer afford the luxuries of non-involvement, escapism, and apathy on the part of any generation. There are grave difficulties which must be grappled with honestly and immediately.

There are deep divisions in our society—between the rich and the poor, the young and the old, and black and white.

The National Advisory Commission on Civil Disorders recently reported that: "Our nation is moving toward two societies, one black, one white—separate and unequal. Reaction to last summer's disorders has quickened the movement and deepened the division." The Commission believes and I believe that this movement can be reversed if we continue to strengthen our commitment to human resources. There are many good recommendations in the Commission's Report which must be implemented.

We must all make an effort to understand the other fellow's world and help break down the barriers of fear, misunderstanding, anger and despair. We must get at the root causes of the alienation and divisiveness in our society. We must eliminate any and all kinds of racism.

Learning about the worlds other than your own is part of your continuing education and part of your responsibility as an educated and involved citizen.

If you are white, try to understand how it feels to live and react like a Negro, or a Puerto Rican or a Mexican American. Spend some time in a ghetto or in a barrio.

If you are a scientist, spend some time understanding the business world.

If you plan on entering business, learn about the world of government. Spend some time in public service.

If you are going to make a career of public service, find out what the businessman and the taxpayer think is important.

Through the increased understanding and knowledge that you gain you will both be better able and more willing to attack the many problems that must become your responsibility.

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE.

To: Hon. Fred Harris.  
From: Wilbur J. Cohen, Acting Secretary.

My views on the Civil Disorders Report were not accurately nor fully reported in the papers. My attached speech therefore may be of interest to you.

#### INDIVIDUAL AND CORPORATE RESPONSIBILITY IN TODAY'S WORLD\*

(By Wilbur J. Cohen, Secretary of Health, Education, and Welfare)

I welcome the opportunity to participate in your conference. These conferences are useful to us in government. They help to clarify issues, to identify problems, to discuss differences and to find solutions. Conferences such as these help to minimize frictions and frustrations, to find ways of working together harmoniously.

The problems before us today are so huge

\* Presented to the American University's Eighth Annual Washington Conference on Business-Government Relations, April 2, 1968, Washington, D.C., 2:30 p.m.

and so complex that they demand the thoughtful attention of all groups. No one sector can provide the solutions—not government alone, nor business, nor labor, nor the professions. All of us are affected. All of us must be involved.

I am encouraged by the initial response of the business community to the complex social issues facing our Nation today. Many business leaders have shown a keen insight into the problems and a deep concern for community efforts to break through the barriers of paralysis and despair. They are coming up with new ideas—new ideas to create job opportunities, to reduce the blight of our cities, to help people who are entrapped by poverty, racial discrimination, and slum living.

We need these ideas to reverse the tide of cynicism and alienation and hostility.

This tide has found its most tragic expression in the violence and destruction in the ghettos of American cities. The harsh and brutal facts of these disorders were comprehensively described and analyzed in the Report of the National Advisory Commission on Civil Disorders.

The Commission made a 500 page study of what happened during the riots, what caused them, and what can be done to prevent them in the future. Their Report is a valuable contribution to our thinking. It should be read and thoughtfully considered by everyone.

The Report pointed out that we are a Nation deeply divided. It put forward one blunt, troubling conclusion: "Our Nation is moving today toward two societies, one black, one white—separate but unequal."

The Report declared that racism exists in this country. It is at the root of discrimination and prejudice. Racism, of whatever form, must be eliminated before we can truly have an open and just society.

But other obstacles must also be removed before our society can be all that we want it to be. Some of these are indifference, apathy, fear, misunderstanding, and above all, ignorance. Racism itself is the compound of several of these components. It is found in the black as well as the white community and serves to separate one from the other.

The trend toward separatism can be reversed if a national commitment to action is made, backed by every available resource and a new will of the American people.

This is the meaning of the Commission Report. It reaffirms our national goals and ideals at a time when our greatest single task is to heal the divisions in our society.

For some time now people in and outside of government have been engaged in the difficult and infinitely complex task of getting at the causes of poverty and discrimination. Programs and projects have been started which involve long-range and long-term commitments, where results are not immediately apparent. We are preparing tomorrow's generation with our current massive investment in education. A good start has been made. And the Commission Report provides a new focus and a new urgency for all of our efforts in fields relating to human well-being.

That is why I believe it is important that immediate efforts be directed to implementing as many of the recommendations as possible as promptly as possible.

It is also important to place these recommendations in proper perspective. They call for action not only by all three parts of the Federal Government—the executive, legislative, and judicial branches—but also by State and local governments, by people in the suburbs and in the central cities, by the newspapers, television, and radio, by the schools and churches and voluntary organizations, by the police, teachers, lawyers, and businessmen. No single organization is blamed for our present plight and no single, simple solution is advocated. The Report asks all of us to work together to find ways out of our difficulties.

Many of the recommendations in the Report involve the areas for which I have responsibility as head of the department concerned with health, education, and welfare. I have already instituted measures to carry out a number of the recommendations in the Report, and other recommendations are being pursued through Congressional and judicial action.

In the welfare area, I have recommended to the Congress a postponement of the "AFDC freeze" on Federal payments contained in the 1967 amendments. Legislation is pending on this matter. We have instituted changes in policies to establish, in the words of the Report, "clear and enforceable rights" to welfare.

The President has established a Commission on Income Maintenance Programs to overhaul the welfare system. Judicial review is underway on the "Man-in-the-house" and residence requirements which exclude bona fide needy persons and needy children from help.

In addition, we have recommended that the social security program be improved by increasing the minimum monthly benefits from \$55 to \$70 a month and from \$82.50 to \$105 for a couple. This would take about one million people out of poverty.

In the area of education, we are working on the recommendation to expand early childhood education. We will be expanding day care services for children of working mothers and providing these services with the involvement of parents and the community. We have requested additional funds for these programs.

We have requested that Congress expand the Teacher Corps—an imaginative way to bring more teachers to the urban and rural pockets of poverty.

We recently issued new guidelines under Title VI of the Civil Rights Act on eliminating segregation in schools, which will have special impact on schools in the northern cities.

We are proceeding with improving the quality of education in ghetto schools through Titles I, II, and III of the Elementary and Secondary Education Act of 1965.

The Office of Education has been encouraging better community-school relations and will step up its work in this area.

The Department's current budget for education also gives high priority to several key thrusts against poverty and educational disadvantage. We are seeking increases in funds for improved teacher training, particularly for teachers of the disadvantaged, for a new bilingual education program, for a new Stay-In-School program to prevent dropouts, and for a continued attack on adult illiteracy.

With regard to new education legislation, we are supporting measures now pending in Congress to expand vocational and technical training. We are also seeking legislation to authorize a new program of counseling and assistance for disadvantaged college students to help them make a success of their studies; and expanded student financial aid for the needy and disadvantaged.

In the health area, we are, in accordance with Congressional authorizations, expanding family planning services. We also plan to step up maternal and child health services in ghetto areas where many families do not have family physicians. We have recommended additional legislation in this field.

All of these steps are in the direction of implementing the Commission's Report. We must also secure open housing legislation, expand job opportunities, and develop special training programs for the disadvantaged. I hope to work constructively with former Secretary John Gardner in the Urban Coalition to bring government services into the central cities more efficiently and promptly.

And I believe that you in the business community can also contribute toward the effort that all of us must make in the cities.

It is up to businessmen, of course, to provide jobs—jobs conveniently located, in places that are accessible to the disadvantaged. Many plants have been located without regard for transportation or housing, without regard for the man who wants and needs a job but who has no way to get to it. Government agencies must similarly review their policies and practices in this regard.

The business community is particularly well equipped to provide more job opportunities and job training. Discriminatory practices must be abolished in the hiring and promotion of employees. But just providing opportunities is not enough. We must also reach out to the disadvantaged groups, and provide encouragement and motivation. Supervisory personnel who are sympathetic and understanding can help many of the disadvantaged to adjust to the realities of the world of work.

The businessman should also look beyond the confines of his office or factory to the total needs of his community.

An urgent need in every community is better education. The Commission found that one of the major sources of discontent in our society has been the failure of the ghetto schools to provide the education which could overcome the effects of discrimination and deprivation.

Inner city schools fall far short of the quality that is needed. They often lack adequate financial support. Many times they lack good teachers and equipment. They may be rigidly segregated as the result of housing practices. Children are often racially isolated. They start behind when they enter school and they fall further behind each year. Ultimately, many of them drop out before their education is completed.

I think the business community can take a number of constructive actions to improve the quality of inner-city education. Here are just a few:

Set up training programs for school drop-outs.

Cooperate in work-study programs for high school as well as college students.

Help the schools develop a curriculum that will be relevant to the needs of the labor market.

Institute in-plant adult education courses for low skilled workers.

Encourage top level management to participate in classroom activities—such as donating an hour or two a week to teaching the disadvantaged or serving as job and guidance counselors to the students.

Set up a speakers bureau within your company to go out to the schools and talk to the students about the realities of the job market.

Provide enriching day care centers for the pre-school age children of mothers who work for you.

Make sure that your community has first rate kindergartens and nursery schools as well as a community college.

Encourage the use of the school as a community center, open 12 months a year, 18 hours a day.

Eliminate de facto segregation wherever it exists.

As individuals you must also increase your support of the school through your taxes. You must be willing to pay for better schools. As a responsible citizen you will have to help the community find better ways of financing education. Sole reliance on the property tax is no longer an adequate or satisfactory way of financing the kind of education that our society requires.

I have barely touched on the many ways in which you as businessmen and as individuals can improve the quality of education. There are just as many things that you could do to improve housing conditions—encourage the development of new towns, the rehabilitation of slums, and most important, exert every possible pressure to insure open and decent housing for every individual in this Nation.

Let me mention one other aspect of the Report that has received much less attention than it deserves—individual participation. The Commission touched on this theme in the chapter entitled "Community Response"—how individual citizens can be encouraged to participate more deeply in the affairs of their community.

There are two major elements to this objective.

First, individual participation by people of the inner cities in plans and programs to improve their lot. At the heart of the problem is the feeling the individual has that he is trapped and without the personal or material resources to change his environment. We have to find ways to transfer rights and responsibilities to the people long denied them.

The second need is for increased participation by all citizens in the problems of the ghetto. It seems to me that, as we face the great urban crisis, we will have to tap the "helping spirit" in all Americans—the spirit that helped build the Peace Corps, VISTA, and the great voluntary movement in our country.

The problem—for business, local government, schools, HEW, the National Alliance of Businessmen, the Urban Coalition—is how to mobilize this effort, how to enlist people and get them to work together effectively in the areas where they can help the most. We in HEW are working very hard on this problem, and if I am to leave any message with you today it is this challenge; how do you tap the great spirit in America that wants to be tapped, that wants to become more deeply involved, that wants to contribute toward solving the urban crisis?

The urban crisis and the problem of poverty, discrimination and alienation that accompany it will not disappear overnight. They require massive and sustained individual, community, and corporate efforts. But time is running out. As de Tocqueville once said: "A grievance patiently endured so long as it seems beyond redress becomes intolerable once the possibility of remedy crosses men's minds."

And it is becoming intolerable for many American Negroes and other minority groups, and rightfully so, in a Nation where more and more people are enjoying the benefits of prosperity and where the disparity between those who have gained the most and those who have gained the least grows.

President Johnson reminded us last January: "Nothing can justify the continued denial of equal justice and opportunity to every American."

And he has reminded us often that the Nation has faced grave crises before. Open confrontation in the past has served to unify Americans. The Civil Disorders Commission Report has focused attention on and dramatized anew our most serious domestic problem.

It is up to all of us to respond. We can make that response if we have the determination and if we all work together constructively. We can reunite our people and at the same time elevate the quality of life for all Americans.

Let's get on with the job.

#### TRIBUTE TO MRS. PHILIP E. SPALDING, ART PATRON

Mr. FONG. Mr. President, it is with deep sorrow and sympathy that I pay this tribute on the passing of a beloved and illustrious patron of the arts in Hawaii, Mrs. Philip E. Spalding.

Mrs. Spalding passed away in Honolulu last Saturday, March 30, at the age of 80. Hers was a life noteworthy for her patronage of many of Hawaii's artists and for her valuable contributions of works of art.

She was born Alice Cooke, daughter of

the late Charles Montague Cooke and Anna Charlotte Rice Cooke, on February 8, 1888. She was a member of a distinguished family which pioneered in the early development of the Hawaiian Islands and continues to make great contributions to the business, civic, and cultural growth of the islands.

A major lifelong interest was the Honolulu Academy of Arts, which she helped her mother to found. It was largely Mrs. Spalding's work and support which brought the academy to reality, and she was its mainstay during the academy's early years.

Mrs. Spalding contributed numerous works of art to the academy, and as recently as 1966 donated \$10,000 toward purchase of an oil painting by Monet.

Her beautiful home at 2411 Makiki Heights Drive is famous for its Japanese garden, which took 13 years to create. It was the setting in 1965 for a pageant on the artistry of old Japan for the Garden Club of Honolulu. It was the scene of numerous receptions which drew admiring visitors from all over the world. Her home was always open to members of the art world.

Although failing in health in recent years, Mrs. Spalding retained a firm interest in local artists and sculptors.

Her passing is mourned by all Hawaii and especially by those in art circles who were inspired to greater efforts by her benefaction. As one of her grateful beneficiaries, now a successful artist, noted:

Hawaii art gained immensely in prestige because of her influence and her purchase of paintings and sculptures by young artists. Her encouragement and patronage of young artists, and her interest in the highest quality, influenced generations of artists in Hawaii.

Mrs. Spalding's death has left a vast void on the cultural scene of the 50th State. She will be sorely missed but her lifelong dedication to the arts will remain an inspiration for future generations.

Mrs. Spalding is survived by her husband Philip E. Spalding, now a retired business executive, who was formerly president of C. Brewer & Co., one of Hawaii's largest corporations. Mr. Spalding was for many years chairman of the board of regents of the University of Hawaii who contributed greatly to the advancement and progress of that institution. He was also active and prominent as a leader of numerous economic, educational, civic, governmental, and political organizations.

Mrs. Fong and I join the people of Hawaii in extending our heartfelt condolences and sorrowful aloha to the family—her husband, their two sons, Philip E. Spalding, Jr., president of Hawaiian Western Steel, Lt., and Charles C. Spalding, president of the Hawaiian Insurance & Guaranty Co., and consul for Belgium in Hawaii; a brother, Theodore H. Cooke; eight grandchildren and a great-grandchild.

#### RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair. May I add that the Senate will very likely reassemble no later

than 1:15 o'clock this afternoon, with the understanding that the recess will not last beyond 1:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 12 o'clock and 28 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 1:15 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT OF THE INTERSTATE COMMERCE ACT

Mr. MANSFIELD. Mr. President, now that the most immediately interested participants are in the Chamber, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 560, S. 1314.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1314) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I made a mistake. I ask unanimous consent that the pending business be laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. What business was set aside?

The PRESIDING OFFICER. The Chair will state to the Senator from Ohio that the bill just set aside is S. 1314.

Mr. LAUSCHE. Dealing with what?

Mr. MANSFIELD. A bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, reported by the Senator from Ohio [Mr. LAUSCHE]. (Laughter).

Mr. LAUSCHE. Wonderful. I thank the Senator.

The PRESIDING OFFICER. The Chair would ask the Senator from Montana whether it is his purpose to have S. 1314 returned to the calendar.

Mr. MANSFIELD. Yes, indeed, Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Without

objection, it is so ordered, and S. 1314 is returned to the calendar.

#### UNLAWFUL SEIZURE OF U.S. FISHING VESSELS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 903, S. 2269.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 903 (S. 2269), to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 3, line 18, after the word "section," insert "The amount fixed by the Secretary shall be predicated upon at least 33 $\frac{1}{3}$  per centum of the contribution by the Government."; and on page 4, line 4, after the word "section," insert "in an amount not to exceed \$150,000 annually."; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), is amended by adding at the end thereof a new section to read as follows:

"Sec. 7. (a) The Secretary upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certified as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

"(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel.

"(b) Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs

relative to the sale of fish caught and the distribution of the proceeds of such sale.

"(c) The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33 $\frac{1}{3}$  per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. All payments under this section shall be made first out of such fees so long as they are available, and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section in an amount not to exceed \$150,000 annually.

"(d) All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

"(e) The provisions of this section shall be effective for forty-eight consecutive months beginning one hundred and eighty days after the enactment of this section. The Secretary shall issue such regulations and take such other measures as he deems appropriate to implement the provisions of this section prior to such effective date.

"(f) For the purposes of this section—

"(1) the term 'Secretary' means the Secretary of the Interior.

"(2) the term 'owner' includes any charterer of a commercial fishing vessel."

SEC. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973), is amended by inserting a comma after the word "fine" wherever it appears and the words "license fee, registration fee, or any other direct charge".

SEC. 3. The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), as amended by this Act, may be cited as the "Fishermen's Protective Act of 1967".

The bill was subsequently reported adversely by the Committee on Foreign Relations, without amendment.

Mr. MAGNUSON. Mr. President, there is an amendment at the desk (No. 678) to S. 2269, the pending business, proposed by the Senator from California [Mr. KUCHEL], the Senator from Alaska [Mr. BARTLETT], and myself.

I ask unanimous consent that the name of the Senator from Oregon [Mr. MORSE] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the Senator from Alaska [Mr. BARTLETT] is not at the moment in the Chamber but he is readily available. Thus, I shall proceed briefly on the bill. I am quite sure that the Senator from Alaska, who held hearings on this matter as chairman of the Subcommittee on Merchant Marine and Fisheries, will have more to say about it.

This bill is an amendment to the act of August 27, 1954, commonly known as the Fishermen's Protective Act, which now provides that in cases where a private vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and when there is no dispute of material facts as to the

location or activity of such vessel at the time of seizure, fines paid in order to secure the prompt release of the vessel shall be reimbursed by the Secretary of the Treasury upon certification of the Secretary of State.

S. 2269 would provide as follows:

First. For all U.S. vessels, it would broaden the scope of reimbursement to be made by the Secretary of the Treasury—upon certification by the Secretary of State—to include license fees, registration fees, and any other direct charges in addition to fines.

Second. For U.S. commercial fishing vessels, it would add a new section which would empower the Secretary of the Interior to enter into agreements with vessel owners to guarantee payment to the owners of certain actual costs resulting from seizure and detention of a vessel, including damage, destruction, loss, or confiscation of the vessel, its fishing gear or other equipment, dockage and utility fees, payment to the owner and crew of the market value of fish confiscated or spoiled during the detention of the vessel, and payment to owners and crew of up to 50 percent of the estimated gross income lost as a result of the seizure or detention. The Secretary of the Interior would be authorized to establish fees to be paid by vessel owners entering into such agreements, the fees to be adequate to cover the cost of administration of the guarantee system and a reasonable portion of payments under this system. The amount fixed by the Secretary shall be predicated upon at least 33 1/3 percent of the contribution by the Government. The establishment of the guarantee system would be limited to 4 years beginning 180 days after enactment.

That last line, Mr. President, is very important and I want briefly to discuss it. More discussion by the Senator from California [Mr. KUCHEL] and the Senator from Alaska [Mr. BARTLETT] will be made on the bill but because I have to go to an Appropriations Committee meeting at 2 o'clock I should like to say now that that line, "The establishment of the guaranty system will be limited to 4 years beginning 180 days after enactment," is very important because opposition to the bill has been based upon the fact that this might establish a precedent, that others might suffer loss by illegal seizure of their property.

I suppose they could. If they did, and Congress saw fit to do that, I say to the opponents of the bill, why not, if something is illegally seized, such as property? In this particular case, it is a lot different. That is why it was singled out. The reason why we put in the 4-year period was so that it will not be permanent, in the hope that the State Department and this Government can work out with the seven countries of Latin America; namely, Argentina, Chile, Ecuador, El Salvador, Nicaragua, Panama, and Peru—and three other countries, Costa Rica, Colombia, and Uruguay, who are considering similar jurisdictional claims, that is, up to 200 miles, in the hope that within the 4-year period we can work out a decent arrangement concerning territorial limits on the high seas.

During the last session, we passed a

bill establishing the 12-mile limit. For a while we had the 3-mile limit which was sort of fuzzy and nebulous. Most of the nations of the world have established international territorial limits of 12 miles. And we followed suit.

We are hopeful that the other countries will do the same thing and that we can have a further international conference. We had one in Geneva, some time ago, in which we lost by one vote on the issue of the countries that wanted to establish a 12-mile limit. We hope to reestablish this international conference to work that out.

In the meantime, Ecuador and Peru, which are the main offenders, are claiming—and the other five countries and three more—the 200-mile limit, which is preposterous in view of the world conditions and in view of the great number of activities in international waters of many nations of the world in fisheries.

Mr. President, a good deal of debate and discussion has ensued on S. 2269, a measure which would provide some additional relief to American-flag tuna and shrimp vessels now subject to seizure in international waters off foreign shores since the Committee on Commerce first brought the matter to the floor during the first session.

Throughout this period the illegal seizure of American vessels has continued. They have been fined, subjected to licensing demands, and harassed in their peaceful pursuit of the marine resources. This regrettable activity has taken place in waters in which this Nation recognizes as a part of the high seas. Indeed, we are members of that historic convention adopted at the 1958 Geneva Conference on the Law of the Sea.

As I analyze the opposition raised to this needed legislation, it seems that two primary objections are presented. I sincerely question the validity of either.

First, it is indicated that S. 2269 establishes some kind of precedent.

In my judgment, if there is a precedent in the United States interceding on behalf of American-flag vessels fishing in internationally recognized high seas waters and compensating them for losses they may suffer, this was established in 1954 when the Congress passed the Fishermen's Protective Act.

S. 2269 is merely an extension of this long recognized compensation. It does not, in my mind, establish any new precedent. Under the 1954 act, this Government repays to the fishermen the amount of fines levied, but a very narrow interpretation of the law by our State Department has prevented the necessary compensation for other costs assessed—again, illegally—by foreign governments against American fishermen.

Actually, we might well say that S. 2269 merely plugs some loopholes in the act of 1954, for there is very little difference to these American fishermen whether their cost of operation is dramatically increased by fine, license, loss of fishing time, damage or loss of gear, spoilage or confiscation of their catches, or any other products of seizure and harassment.

In each of these cases, assuming the U.S. vessel is on the high seas—and the

1954 act requires that there is no doubt of position of any vessel before compensation is to be certified—the act is an illegal one.

The precedent then has been an integral part of our national policy for more than 13 years.

Second, some have claimed that S. 2269 provides a preference to American-flag fishing vessels above and beyond that provided other citizens.

It seems to me that we are talking about two different situations here, and if some choose to call this a preference, I would contend that it is totally justifiable.

Again, this so-called preference has been a part of our national policy for the past 13 years, and S. 2269 merely extends the degree of coverage; it does not establish such preference as a new concept.

To me there is a vast difference between an American citizen, corporate entity, or whatever, which might establish an enterprise on foreign soil. I would hope that this Nation would take all action to protect that citizen's rights, but guarantee of compensation for this situation where the risk is a calculated one is far different than the peaceful pursuit of high seas fishing or the rights of innocent passage of vessels.

There is another factor here which needs to be emphasized.

This Nation's present and future security is vitally dependent upon a narrow territorial sea throughout the world, thus assuring free passage for our naval vessels to regularly occurring trouble spots throughout the world. This recognized right can only be maintained by use, and the best example of defending this essential principle has been our American fisherman. They have carried this battle with considerable individual sacrifice, and although the 1954 Fishermen's Protective Act was of good assistance, there is an immediate need for the additional compensation provided in S. 2269.

Other objections have been raised at this Government's failure to recapture these illegal fines as the record shows that the State Department, despite strong protests at the actions of these countries on the high seas, have not returned a dime to the U.S. Treasury.

This problem is clearly resolved with the amendment to S. 2269 which is before you today.

I could speak at much greater length on the history and need in this critical situation. I know that others will wish to make expressions, and my primary goal today has been to clarify some of the objections as expressed here on the floor and in committee sessions.

Mr. GRIFFIN. Mr. President, will the Senator from Washington yield for one brief moment?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. The distinguished Senator made reference to the act passed last session extending territorial waters of the United States to 12 miles. I am sure he intended to make it clear that that act had to do only with fishing.

Mr. MAGNUSON. Yes. That is correct. Mr. GRIFFIN. Fishing zones alone. In

other respects, we still recognize the 3-mile limit; is that not correct?

Mr. MAGNUSON. Yes.

Mr. GRIFFIN. I thank the Senator.

Mr. MAGNUSON. Nine miles plus 3 miles for fisheries. I am glad to be corrected. I meant fisheries. But the 200-mile limit has been established by these countries, directed not only against fisheries but most anything they want to, apparently.

Mr. BARTLETT. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. In fact, these countries have established a 200-mile territorial seas limit, have they not?

Mr. MAGNUSON. Yes. Now I have a strange anecdote to relate about the 200-mile limit. In Peru, I held talks with the highest officials of the government about the 200-mile limit. They looked me squarely in the eye and said, "We did not establish the 200 miles. You did"—meaning we, the United States.

I said, "How is that?" They pulled out a musty old order that had been in a drawer—I guess they kept it handy—issued during World War II by President Roosevelt, establishing a 200-mile neutrality zone around the western part of South America as protection. They picked that up and said it should be 200 miles off their coast for fishing and other territorial matters.

Our fishermen do not agree with that, and I do not think fishermen of other countries do. This is a rich fishing ground, where the warm currents from the north meet the cold currents from the south, and it is a feeding ground for fish. So our people have been harassed and thrown into jail and have had everything else happen to them when they have gone fishing there. Tuna fishermen from Maine, Oregon, California, and other States, have in the main gone down there. They have a legitimate right to compete with fishermen from other nations in fishing for tuna.

Every time they do, a destroyer shows up and fires a shot across the bow. Sometimes they are not accurate marksmen. I have kept my fingers crossed, because such inaccurate shots might lead to greater incidents and trouble with those countries.

As the Senator from Alaska knows, the irony of all this is that the destroyers that go out and pick up our fishermen are destroyers we gave those countries for their protection. They are being used to pick up our fishermen. One fisherman said to me, "You have never been in jail until you have been in a Peruvian jail or an Ecuadorian jail. There is no jail in the world like those jails."

Our fishermen are fined. They do not have the money to pay those fines. They go to our State Department representatives. We used to have a fund, very similar to a petty cash fund, from which the Embassy would lend those fishermen money so they could get out of jail and get their ships back.

This measure is an attempt, after 4 years, to put an end to this nonsense.

I know the Senator from Michigan has an amendment on the whole territorial limit question. We still adhere to the 3-mile limit, as the Senator said. That limit is legally fuzzy. During pro-

hibition, we called it 12 miles. Some coastal States have different versions. The Supreme Court of the State of Washington at one time ruled that the territorial waters of the State of Washington extended as far as man could row a boat. It did not say how big a boat or how strong a man.

The fixing of such a limit arises from the time when one looked and saw the horizon, which was 3 miles away. Well, times have changed and activities in the oceans have changed, and fishing should be put within reasonable restrictions. A limit of 200 miles is preposterous, because most of the commercial fishing in the world is done near the coastal areas, beyond where we have the 12-mile limit now.

Mr. President, I hope the bill will pass. We were very generous in the Commerce Committee. We said, "All right, this involves international matters, and we should let our very distinguished Foreign Relations Committee take a look at the bill." That committee took a look at the bill, among other things it is doing. The committee decided it might have some serious international aspects and consequences. The committee voted, 13 to 5, that it was not a very good bill. The Commerce Committee voted 16 to 1 that it was a good bill. So, between the two committees, a majority of Senators voted that the bill should be considered favorably.

I have said that we were very generous in giving the bill to the Foreign Relations Committee. I was hoping, if the Foreign Relations Committee thought this was not a very good bill, it would give us an alternative. I suppose the committee has been dealing with so many alternatives, it does not know which one to accept. We are willing to take an alternative, but we want the problem settled. The problem continues. Every 2 or 3 months an American boat is seized and somebody is put in jail. A limit of 200 miles is preposterous.

I hope the Senate will consider the bill favorably.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I am glad to yield.

Mr. LAUSCHE. I would like to ask several questions concerning what may develop in the event the bill is passed.

First, is it not a fact that by this bill the Government of the United States will indemnify a fisherman whose ship, equipment, or catch is seized by a foreign government while it is in international waters?

Mr. MAGNUSON. Yes.

Mr. LAUSCHE. In other words, the U.S. Government says to the fisherman, "If you go into the high seas and your ship is seized, the Government will indemnify you for up to two-thirds of your losses; first, for the time lost in the use of the ship; second, for the fine you had to pay; third, for the loss of your catch or fish; fourth, for the loss of the use of your ships"; and some other grounds under which indemnity will be made.

Mr. MAGNUSON. Generally speaking, that is correct. The Senator from Alaska [Mr. BARTLETT] may go into more detail.

Mr. BARTLETT. Mr. President, if the Senator from Ohio will permit, we laid the groundwork or basis for this in 1954—

Mr. LAUSCHE. My question is, Is it not a fact that what the bill does is indemnify for losses?

Mr. BARTLETT. It indemnifies for losses. That is correct. Part of the indemnity comes from the Federal Government of the United States and part of it from the fishermen themselves. As spelled out in the bill, the fishermen have to pay one-third.

Let us be sure here that we understand this is not a vast bill opening the gates of the Treasury. The period during which it will be operative, under the terms of the bill, is 4 years. A limitation is written into the very language of the bill as reported by the Committee on Commerce last September, providing that the Federal Government, during any given year of those 4 years, shall not pay more than \$150,000.

Mr. LAUSCHE. The answer to my question has been that this puts the U.S. Government into the field of guaranteeing to an American national that, if his equipment is seized on the high seas, the Government will indemnify him.

My next question is, What about the American national who establishes a business in a foreign country and his business is seized by the foreign country? Do we indemnify him for the losses which he sustains?

Mr. BARTLETT. The Committee on Commerce had no proper legislative jurisdiction relating to that problem. It was concerned only with the matter then before us, as spelled out in the bill, S. 2269, in the form it was originally introduced and as issued from the committee.

Mr. LAUSCHE. That is, for fishermen?

Mr. BARTLETT. We had no authority to go beyond that, and we did not.

Let me say to the Senator that in the 1954 act and the proposal here made have to do with a very basic, extremely important question it seemed to the committee, and that is: Are we going to recognize, tacitly or otherwise, the claim of a 200-mile territorial sea and a 200-mile fishing zone, and beyond that in some cases, made by several of these nations?

Mr. LAUSCHE. Mr. President my question has not been answered. Do we indemnify an American national whose property is seized by a foreign country?

Mr. KUCHEL. Mr. President, will the Senator yield to me to make an observation?

Mr. LAUSCHE. The question can be answered yes or no.

Mr. BARTLETT. Surely.

Mr. MAGNUSON. In some cases we do.

Mr. KUCHEL. Mr. President, will the Senator yield to me very briefly on that point?

Mr. LAUSCHE. Mr. President, why does not one Senator answer the question, instead of three standing up?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senator from Washington has the floor.

Mr. KUCHEL. Will the Senator yield to me, just very briefly?

Mr. LAUSCHE. Will the Senator from Washington answer my question? Does the U.S. Government indemnify a U.S. na-

tional whose property is confiscated by a foreign government?

Mr. MAGNUSON. In some cases we have.

Mr. LAUSCHE. When?

Mr. MAGNUSON. In case of war we have.

Mr. LAUSCHE. We do it after we have been paid reparations.

Mr. MAGNUSON. Yes, that is right.

Mr. LAUSCHE. Did we indemnify the U.S. nationals in Cuba?

Mr. MAGNUSON. I do not know about that.

Mr. LAUSCHE. We did not.

Mr. MAGNUSON. We have indemnified people of Japanese ancestry who were run out of the Pacific coast. We have done it in some cases. But to answer the Senator's question, as a matter of law we do not.

Mr. LAUSCHE. That is right.

Mr. MAGNUSON. There have been a number of private bills passed by Congress, and many cases where there have been instances of such indemnification. Congress has seen fit to single those out. But the Senator is correct; as a matter of law we do not.

I must leave the floor in a moment, but the Senator asked one other question, as to what is the difference between this situation and that of the fishermen. My answer to that is that there seems to me to be a vast difference between a fishing vessel and an American citizen or corporate entity which might establish an enterprise on foreign soil. I would hope this Nation would take action to protect that citizen's rights; but to guarantee compensation for a situation where the risk of loss is a calculated one is far different than to guarantee it for the peaceful pursuit, on the high seas, of fishing, with the recognized right of innocent passage of vessels.

Mr. LAUSCHE. Will the Senator answer this question: Does he insist that it is the responsibility of the United States Government to shoot it out with Peru, or, if it is unwilling to shoot it out on the high seas, to indemnify these fishermen specially and in a manner different than we treat all other U.S. citizens? Should we shoot it out, and if we do not shoot it out shall we pay this privileged group of fishermen?

Mr. MAGNUSON. Mr. President, that is what we are trying to avoid. I am afraid some fishermen would have almost a just cause, sometimes, to justify their shooting it out. Then we would be in real trouble. That is what we are trying to avoid.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. MAGNUSON. The Senator has the floor.

Mr. BARTLETT. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BARTLETT. There is no possibility of shooting it out with those people down there. We do not have anything on hand with which to shoot. I hold in my hand a copy of the Los Angeles Times for August 27, 1967, with two pictures and an article concerning the seizure by Peru of a U.S. tuna boat. Here is a picture of the Peruvian naval vessel, showing an officer holding a shotgun with

which he had wounded the captain and navigator of the American tuna boat.

What is this Peruvian naval vessel? It turns out that it is a former Navy tug.

I yield to the Senator from California. Mr. KUCHEL. I thank the Senator very much.

Mr. LAUSCHE. May I finish my question?

Mr. KUCHEL. Mr. President, did the Senator from Alaska yield to me?

Mr. BARTLETT. I yielded to the Senator from California.

Mr. LAUSCHE. Can I not get an answer to the question?

The PRESIDING OFFICER. The Senator from Alaska has the floor. To whom did he yield?

Mr. BARTLETT. Mr. President, I yielded to the Senator from California, who is eager, anxious, and able to give a precise answer to the Senator's question.

Mr. KUCHEL. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Alaska has the floor, and he yielded to the senior Senator from California.

Mr. KUCHEL. I thank the Presiding Officer.

Mr. President, I want to try to remove a little of the confusion under which the distinguished Senator from Ohio is laboring.

The fact of the matter is that Congress passed legislation sponsored by the senior Senator from Iowa [Mr. HICKENLOOPER], which came out of the committee on which the distinguished Senator from Ohio serves, providing that, in event of expropriation of property by a foreign government owned by a citizen of the United States, there would be insurance to indemnify the American citizen.

Let me add to that something about these vessels that have been seized.

Mr. LAUSCHE. The Senator cannot tell me anything.

Mr. KUCHEL. We are a great maritime Nation. Dozens of American-flag fishing vessels have been seized on the open ocean. There have been some people who would advocate that we go to war with the countries that have seized them.

That is obviously ridiculous. When the Senator from Ohio uses the phrase "shoot it out," I think he is a little wide of the mark. Since 1954, the law of this land has provided for some compensation to the owner of a fishing vessel, if that fishing vessel is seized on the open ocean. The 1954 act provides for the reimbursement of fines. What we are trying to do here is give some incentive to the fishermen themselves to participate in an insurance fund. In a few moments, I shall offer an amendment to eliminate all foreign aid to a country which seizes an American-flag vessel on the open ocean. I hope my able friend the distinguished Senator from Ohio will support that amendment.

This would not be the first time the Senate has taken such action. In 1965 I offered an amendment to the Foreign Aid Act, providing for a mandatory aid cut off, when a South American country seizes an American vessel clipper on the open seas. The Senate overwhelmingly agreed to that amendment. It was

the House of Representatives that weakened it so that, today, there is only a discretionary power on the part of the American Government to turn off aid.

The three of us who sponsor this legislation will offer an amendment to make it mandatory.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. KUCHEL. I do not have the floor.

Mr. BARTLETT. I yield to the Senator from New Hampshire.

Mr. COTTON. I am very glad to hear the statement of the distinguished Senator from California about the amendment which he intends to offer. When this bill was considered in our committee, I voiced some doubts about it, and I shared, to a certain extent, the feelings of the distinguished Senator from Ohio, although perhaps not quite as vehemently, because it seemed to me—and I remember saying so in an executive session of the committee—that while I had every sympathy for these American fishermen who were losing their property, I also recognized the fact that we should try to encourage, as far as we can, our maritime activities and our fishing industry, and to that extent the purpose of the bill was certainly meritorious.

I remember saying in executive session of the committee, and perhaps should not say it on the floor, that on occasion our State Department was spineless enough without contributing further to its spinelessness. We would indemnify Americans who had suffered unjustly at the hands of other countries so that they would be relieved of any pressure to assert themselves in dealing with any given situation. That was the feeling I entertained.

I also said that in view of the fact that the pending bill probably came about largely because of the existing situation with Peru, which claims rather ridiculously a territorial limit of 200 miles out into the ocean, and that we were furnishing aid to Peru, it seemed to me that we could handle this matter without establishing the precedent of indemnifying those Americans who lost their property in this manner.

This is not a total indemnity.

Mr. BARTLETT. It is 66½ percent. And it is 50 percent for the loss.

Mr. COTTON. If the amendment of the distinguished senior Senator from California is agreed to and if the amendment, which I have not as yet had the opportunity to examine, is bombproof and ironclad enough so that it will raise a real barrier and really mean the withholding of foreign aid to a country that is as blatant in its dealings with our fishermen as this particular country is, it would satisfy me.

Mr. BARTLETT. Mr. President, I intend to yield in a moment to the distinguished Senator from California [Mr. KUCHEL] so that he may offer his amendment. However, before doing so, I want to say that I think there is a basic difference between the situation we are discussing today and the ordinary business investment in a foreign country, wherever it may be. And that difference is that we reject the contention that any nation has a right to a territorial sea of 200 miles. When these fishermen go down off the coast of South America, or

when sport fishermen go wherever they may, they are in a measure defending the position of the United States in holding that no nation unilaterally can declare for itself a territorial sea 200 miles in breadth.

I yield to the Senator from California. Mr. LAUSCHE. Mr. President, will the Senator allow me to ask a question of the Senator from California?

Mr. BARTLETT. I will leave that up to the Senator from California. I want to yield to him so that he may offer his amendment.

Mr. LAUSCHE. Mr. President, will the Senator from California allow me to ask a question pertaining to this matter?

Mr. KUCHEL. Mr. President, I would like to offer my amendment, if I may.

Mr. LAUSCHE. Mr. President, I tried to get some questions answered. It seems to me that I cannot get answers from the proponents of the measure.

Mr. BARTLETT. Clear-cut answers have been given to every question.

Mr. LAUSCHE. Mr. President, when we have a riot in the United States and the property of our citizens is torn down and destroyed by fire, does the Government indemnify the citizen for his loss?

Mr. BARTLETT. Unless I am greatly mistaken, no. However, I see no relation between the two events.

Mr. LAUSCHE. If a citizen of the United States is robbed while walking on a street in the District of Columbia, would we indemnify that citizen for his loss?

Mr. BARTLETT. The Senator refers to something that has no real connection with this measure.

Mr. LAUSCHE. Why should we indemnify the sacred fisherman?

Mr. BARTLETT. Because when he goes down and fishes 75 miles from the coast—or whatever the distance may be—of a country which claims this great territorial sea, he is upholding the foreign policy position of the United States. That is why we should do this, and we started this in 1954. We are seeking to enlarge upon it.

Mr. LAUSCHE. Mr. President, may I reply in answer to what the Senator has just said?

Mr. BARTLETT. I yield.

Mr. LAUSCHE. When a U.S. fisherman goes into waters which a foreign country has told him not to enter, is he in a better position to claim a right than is the American national who by invitation goes into a foreign country and establishes a business there that is later confiscated from him?

Mr. BARTLETT. We are dealing with a particular situation in a particular area.

Mr. President, I yield now to the Senator from California.

Mr. KUCHEL. Mr. President, I thank the Senator. I want to call up amendment No. 678, but I should like to ask whether the parliamentary situation requires consideration first of committee amendments?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there

objection? The Chair hears none, and the amendments are agreed to en bloc.

AMENDMENT NO. 678

Mr. KUCHEL. Mr. President, I send to the desk my amendment No. 678 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 5, between lines 2 and 3, insert the following:

SEC. 3. Section 5 of the Act of August 27, 1954 (68 Stat. 883, 22 U.S.C. 1975), is amended to read as follows:

"SEC. 5. (a) The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this chapter (including payments made pursuant to section 7) because of the seizure of a United States vessel by such country. If, within one hundred and twenty days after receiving notice of any such claim of the United States, a country fails or refuses to make payment in full, the Secretary of State shall promptly report such failure or refusal to the President. The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

"(b) From any funds programed for the current fiscal year for assistance to the government of a country to which assistance is suspended [as shown in materials concerning such fiscal year presented to the Congress in connection with its consideration of amendments to the Foreign Assistance Act], the Secretary of State shall withhold an amount equal to the total of all such unpaid claims of the United States, which amount shall be transferred to the separate account established in the Treasury of the United States pursuant to section 7(c) for the payment of vessel owners. The Secretary of State shall transmit to the Congress, at least once each fiscal year, a report of all suspensions of assistance and of amounts transferred pursuant to this subsection.

"(c) No provision of law shall be construed to authorize the President to waive the provisions of this section."

Mr. KUCHEL. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from New Hampshire [Mr. COTTON] be listed as a coauthor of amendment No. 678.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, on examination of the Senator's amendment, I feel very well satisfied with it. I was fearful that the amendment would simply provide that foreign aid would be suspended in a country where these claims were made and where this confiscation of our property had taken place, and that would not be worth the paper it was written on, as they would not withhold the entire foreign aid for a country because of a few fishing ships, any more than they would go to war about it.

As I understand the proposed amendment—the distinguished author of the amendment will correct me if I am wrong—it provides that when these claims are made, an amount equivalent to these claims shall be withheld and impounded from the foreign aid, to cover those particular amounts. Is my understanding correct?

Mr. KUCHEL. Not fully. May I explain it to the Senator?

Mr. COTTON. Yes.

Mr. KUCHEL. Mr. President, in this entire area of seizure on the open ocean of a vessel owned by another country, there are several important elements. One is the affront to the flag of the vessel which is seized. The United States has followed a theory of protecting its nationals wherever they may be, and I believe it should be generally conceded that the United States intends to see that its nationals are permitted to use the open oceans. That does not mean we are going to get into a conflict, a hot conflict, when that historic principle is denied to us.

But, who else is affronted? Obviously, the vessel involved, its owners, the captain and the crew, and the American fishing industry, which is important. So in 1954 a law was passed—it is still the law—which provides for some compensation from the Federal Government to an American-flag vessel which is seized.

When the Government compensates a vessel and its owner, it requests subrogation of the rights of the owner to the Government of the United States and then proceeds against the offending nation.

The bill before the Senate deals with an expansion of the types of damage which will be compensated, and provides for the first time a basis by which fishermen themselves may participate in what I believe can be accurately termed a revolving fund.

Several days ago we who are interested in the proposed legislation decided that it would be ludicrous for the United States to provide a means to reimburse our fellow Americans, whose rights to use the open seas have been violated, without proceeding against the country offending.

We took some feeble steps in that regard several weeks ago: I wish to pay a compliment to the Senator from Ohio. We have a law which provides that the Defense Department may loan naval craft to foreign governments. As the Senator from Washington has said, U.S. naval vessels which have been loaned to South American countries have themselves been used to seize American privately owned craft on the open oceans. I believe I am correct in saying that the Senator from Ohio successfully urged an amendment to that bill which provides that when the loan of an American naval vessel is renegotiated, the loan of it will not be continued if the country involved has seized American fishing vessels on the open ocean.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. BARTLETT. I merely wish to join with the Senator from California in paying tribute to and complimenting the Senator from Ohio for that action.

Mr. LAUSCHE. I would be much happier if the Senator from California and the Senator from Alaska would answer my questions, which I cannot seem to get them to do.

The PRESIDING OFFICER (Mr. CANNON in the chair). The Senator from Alaska has the floor.

Mr. BARTLETT. I have yielded to the Senator from California.

Mr. KUCHEL. Mr. President, if I may continue, we decided—the three of us—that there was no reason for us to assist a country in this hemisphere, under any type of Alliance for Progress doctrine, if they ruthlessly deny American citizens the right to fish in the open seas. That is the reason for this amendment.

I should like to read the amendment, and I wish to interpolate, for the purpose of legislative history, what we believe is the intent behind it:

The Secretary of State shall take such action as he may deem appropriate—

“Shall”—it is mandatory.

to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this chapter (including payments made pursuant to section 7) because of the seizure of a United States vessel by such country.

In other words, it is a mandate to the Secretary of State to take all steps he may deem appropriate to be reimbursed:

If, within one hundred and twenty days after receiving notice of any such claim of the United States, a country fails or refuses to make payment in full—

That is 4 months after the seizure has been made—

the Secretary of State shall promptly report such failure or refusal to the President. The President shall—

Again, it is mandatory, I say to the Senator—

thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended—

Then follow the citations—

to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HICKENLOOPER. I wish to raise one question. What about the Export-Import Bank? That is not a loan to the country. That is a loan to people engaged in business in those countries.

Mr. KUCHEL. That is not covered. We are dealing in this situation with the denial by a South American country—not an individual citizen of that country, by the country—of an internationally respected right on the part of an American citizen.

While there is much merit in the senior Senator's suggestion, I would not want to amend the amendment.

Mr. HICKENLOOPER. I will admit to being senior in age but not in wisdom.

What about the World Bank? What about the International Bank? Why not really put the screws on these people, rather than go into a dollars-for-tribute every time a vessel is seized, and then take a chance on collecting it some other way?

Mr. KUCHEL. I believe that if the pending bill becomes law, it will have a very salutary effect upon the offending countries.

A number of years ago, when my able friend the Senator from Iowa offered the expropriation amendment, which I be-

lieve has had a salutary effect—and he will recall that I supported it—I followed with an amendment somewhat similar to this proposal, that amendment was agreed to in the Senate but when it reached the other body they watered it down.

Mr. HICKENLOOPER. I supported the Senator on that amendment, which I thought was sound. I question this measure very much. This is a payment of tribute. I do not think it is wise.

Mr. KUCHEL. I disagree with the Senator.

Mr. HICKENLOOPER. It is an open season on American fishing boats.

Mr. KUCHEL. I agree with my friend in that. That is why we need a mandate on the executive branch to turn off all foreign assistance if a country offends one of our fellow citizens.

Mr. HICKENLOOPER. I went along with the Senator on the other bill.

Mr. KUCHEL. That is what this measure would do.

Mr. HICKENLOOPER. It would not, the way I read it.

Mr. COTTON. Mr. President, will the Senator yield so that I may ask a question? I must leave the Chamber in a few minutes.

Mr. KUCHEL. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I think I understand what the amendment purports to do, although I am not sure.

First, the amendment provides:

The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended . . . because of the seizure of a United States vessel by such country.

Then, the amendment provides that if within a certain period of time a country fails or refuses to make payment in full, the Secretary shall promptly report such failure or refusal to the President. Then, it is provided:

The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended, to the government of such country.

It is hard for me to be sure that a President of the United States, although he would intend to follow the laws, might not have to find reasons for withholding all foreign aid that flows to the country.

Mr. KUCHEL. He would violate this amendment.

Mr. COTTON. It has been done before by several Presidents of both parties. I shall not argue that point.

One question that troubles me is that the amendment refers to the seizure of American vessels. I may be wrong in my understanding because I am sure the Senator is thoroughly familiar with the practice and the problems of the fishing industry. This situation is largely confined, if not wholly confined, to Peru. It is my understanding that it is the custom to grab these fishing boats after they are full, when they have made their catch. It is then that they are pulled into the harbor.

In many cases, their refrigeration is such that if they are held up too long, they lose their catch.

Mr. KUCHEL. Yes.

Mr. COTTON. Then, they are blackmailed into paying money in order to get an immediate release.

Mr. KUCHEL. The Senator is correct.

Mr. COTTON. Will the Senator indicate to me, and this is all I want to know before I have to leave the Chamber, how this amendment would take care of that kind of situation? I was not satisfied with the bill and would not have supported it without this amendment.

The seizure about which I speak would be a momentary seizure for perhaps an hour. Perhaps the person in charge of the vessel would be told, “You are going to stay here until your fish are spoiled, unless you pay us so many thousands of dollars.”

How would the amendment take care of that situation?

Mr. KUCHEL. The amendment now pending would not touch that situation. The bill to which we offer the amendment would. The bill, which was reported by the Senator's committee, would expand the provisions of the U.S. Fishermen's Protective Act of 1954, to include the loss of fish already caught.

Mr. COTTON. With reference to the element to which the Senator refers, according to my recollection, when we were considering the bill that situation was not taken care of; the matter was discussed in committee and the staff was instructed to revise it so that it would.

Mr. BARTLETT. To what does the Senator refer?

Mr. KUCHEL. The coverage of loss of fish. I think it is clear.

Mr. COTTON. There is no loss of fish involved in the question I asked.

Mr. KUCHEL. Then, the Senator is talking about a fine that is paid to the country.

Mr. COTTON. I am talking about the situation when they grab a boat after it is full of fish. We were told in committee that this was a common practice. They bring those ships in and they might hold them for 1 hour, 2 hours, or 5 hours. The fishermen know that if they are held the catch will be gone. They always waited until the boat was full. Then, they would say, “Upon the payment of so much money we will let you go back before the fish spoil.”

In that situation there is no loss of fish nor loss of boat. There is a temporary seizure.

Mr. KUCHEL. An extortion.

Mr. COTTON. I do not see where that particular situation is plainly taken care of in the bill or the amendment.

Mr. BARTLETT. If I understand the Senator correctly, it is his view that compensation for market value of the fish was not included in the original consideration.

Mr. COTTON. The market value of the fish; if the fish were taken, or if he lost the fish. But in this case the fish are not lost, the fish are not taken, and the fish are not spoiled.

In this situation the fisherman would pay an extortion, a tribute. He greases somebody's palm, and it may not even be put through any formal court procedure. He greases the palm of some official in order to be released before he loses his cargo.

Mr. KUCHEL. The bill provides on page 2, line 10, as follows:

The Secretary shall guarantee—

(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

Mr. BARTLETT. There is a limitation in the bill of up to 50 percent only.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. COTTON. I wish to finish this colloquy, first.

I refer to the situation where an official—and I am not casting reflections on the integrity of officials of Peru or any other country—seizes a vessel and holds it. He may not bring the vessel into port, but he might simply say, "You are fishing in our territorial waters." Then, the owner greases the palm of that official. Nobody has levied a fine nor has the matter gone through a court. However, by supplying a few hundred dollars or a few thousand dollars, the fisherman is released before the fish are spoiled.

I do not know how we would get at that situation.

Mr. BARTLETT. To the best of our knowledge, in every situation the case of the vessel, its crew and cargo are taken to court and a fine is levied.

Mr. COTTON. That was not so indicated in the discussion in the committee.

Mr. BARTLETT. This, of course, is not intended to cover that situation, and I am glad the Senator brought the matter up because we might as well have the legislative history on it now.

It was the intention of the committee—as reported in the bill and after hearing testimony given during its consideration—that when it becomes law the bill will be administered so that there will be compensation only when the owner of an American fishing boat is taken before a court of proper jurisdiction in the original country.

Mr. COTTON. I am extremely sorry to hear that statement made for this reason. When a country ridiculously claims its territorial waters extend 200 miles out into the sea because of the fact the late President Roosevelt, during the war, in stating a policy of protecting the shores of South America, said the American Navy would protect them and destroy an enemy which came within 200 miles, that statement, which had nothing to do with territorial waters, has been distorted and twisted by Peru, at least, if not by other governments that by that statement we authorized them to extend their territorial waters 200 miles. When a country makes that ridiculous claim, and when it stops an American fishing boat 100 miles out, or 75 miles out, obviously not in territorial waters when it detains that fishing boat, even if it detains it only 20 minutes, there is a seizure. If during those 30 minutes the owner of the fishing boat, or the captain, has to grease someone's palm in order to be allowed to leave so that his cargo will not spoil, it would be a very difficult matter ever to prove that that was done. No damage to the boat or to the fish could be shown. Yet that practice, according to members of the committee

who listened to the evidence in executive session of the Commerce Committee, was shown to have taken place.

The very fact of detaining or taking possession of an American fishing boat, even for a brief time, even if not taken to port, makes it very important that there be written into the bill, upon proper action, that indemnification should be exacted because of the act itself.

It would serve to put an end to this sort of semipiracy. Frankly, with all due respect, I do not trust the Agency for International Development, nor the State Department, to stand up very stiffly and protect the rights of American fishermen to that extent.

Mr. HICKENLOOPER. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. HICKENLOOPER. I want to call the attention of the Senator to the fact that they did it in the case of Ceylon. We withdrew our foreign aid from Ceylon when they expropriated our property. So, in that case, they stood up for the law and obeyed the law. I want the RECORD to show that.

Mr. COTTON. All right. Perhaps I have been unjust. If so, I regret my statement. I hope they would stand up to it, but they have some law to stand up to.

Mr. BARTLETT. Let me say this, in response to the statement just made by the Senator from New Hampshire. It seems to me, when this bill becomes law, as it surely will—

Mr. LAUSCHE. Scandalously.

Mr. BARTLETT. Appropriately and justly, naturally, that it will be a clear guide to the American captain, his officers, and crew. We cannot, as I see it, at least, write into a piece of legislation a requirement that the U.S. Government in part—because a portion of the money will come from the fishermen themselves—pay out to the American skipper any amount which he may assert he took out of his safe and gave to the port.

Mr. COTTON. I am not even suggesting that. I am afraid I did not make myself clear.

Mr. BARTLETT. That is how I understood the Senator.

Mr. COTTON. I am suggesting that the bill clearly give power to withhold foreign aid if that sort of episode occurs. We can never prove that a bribe was given, but if they are going to stop and take possession of a vessel, even momentarily, 100 miles off the coast, I want to see some authority in the bill. We cannot make it mandatory. It has to be at the discretion of the administration, but there should be some authority to take that into consideration in giving foreign aid. I am not suggesting we reimburse anyone for an alleged bribe.

Mr. BARTLETT. In the first place, it seems to be clear that, when the bill becomes law, the American skipper will allow his vessel to be escorted into port without any question. He can do this. Tuna vessels carry refrigeration and a day or two is not going to ruin their catch. He will make a clear record so that he can get compensation.

Let me read from the 1954 act:

Sec. 2. In any case where—

(b) There is no dispute of material facts

with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

It seems to me obvious that we should allow the vessel to go into port and then into court.

Mr. COTTON. I will not prolong this discussion. I just want to say this to the Senator, when he spoke of vessels being refrigerated, that it would not do any harm for a day or two, it was my understanding that if a few days elapsed, great loss would result.

Mr. BARTLETT. It is entirely possible, if the fishing vessel were kept in port too long, as has been the case. However, I believe that I specifically said "a day or two."

Mr. COTTON. Well now, with that in mind, the Senator now says—and he knows a lot more about fishermen than I do, he is our authority in committee, and justly so—that the captain would certainly insist on being taken into port, that he would not pay this "hush" money to get away, and that he will be insisting that they take him into port so that he can clearly establish and make a record.

I am not so sure that an American captain with any sense would do that. One, he is only going to get either 50 percent or 66⅔ percent back under this bill and, two, the enforcement of his rights will depend on the action, one, of the Secretary of State, then the President of the United States, and then the administrators of foreign aid. Unless the Government action and Government redtape is a lot different, as in case after case after case in other matters, this captain, if he is young, would have a lot of gray hairs before he ever got his claim adjusted. I doubt very much, if by passing over a sum of money he can be on his way and save his catch, that he is going to place his confidence in the Secretary of State, the President, the Agency for International Development, the Congress, the law, or God and the 12 Apostles. I think he will try to get away. That is why I would like to see in the bill some authority, not mandatory, but some authority to withhold an appropriate amount of foreign aid whenever an American vessel has been stopped outside an actual realistic limit.

Mr. BARTLETT. I defer to the Senator from California who offered the amendment.

Mr. LAUSCHE. Mr. President, I call for the regular order. I had wanted to participate in this discussion. There seems to be a "locked-in" on who shall discuss this matter.

Mr. KUCHEL. Well now, will the Senator from Alaska yield to me so that I may respond to the Senator from New Hampshire?

The PRESIDING OFFICER. The Senator from Alaska has the floor and may yield only for a question.

Mr. BARTLETT. That is my intention. There was no other purpose whatsoever and no intention whatsoever, let me say to the Senator from Ohio, to keep him from whatever discussion he desires to make concerning this legislation which I think will be quite extensive.

Mr. LAUSCHE. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. No, I yield to the Senator from California.

Mr. KUCHEL. Let me answer the Senator's question, first, if I may.

Mr. BARTLETT. I yield to the Senator from California.

Mr. KUCHEL. It seems to me that we are on sound ground when we provide that where a vessel has been illegally seized and a fine or other kind of penalty has been imposed, it is sound public policy, under those circumstances, to say that all foreign aid to that country shall be turned off.

I suggest to my friend that if he wants consideration of some diminution of foreign aid when a vessel is not seized, but simply has its rights momentarily interfered with, it widens the area. It seems to me we would be better advised to adopt this kind of amendment on this occasion.

Mr. COTTON. I thank the Senator. I was simply trying to establish legislative history by bringing this point out.

Mr. LAUSCHE. Mr. President, will the Senator yield me time on his amendment?

Mr. BARTLETT. I yield to the Senator. I have the floor.

Mr. LAUSCHE. Do I understand that the amendment of the Senator from California would provide that whenever a foreign government seizes a fishing vessel flying a U.S. flag in international waters, payments of foreign aid shall be suspended until such time as that nation reimburses the U.S. Government in an amount equal to the indemnity paid out under the provisions of the bill?

Mr. KUCHEL. Yes.

Mr. LAUSCHE. Does not that in effect mean that the U.S. Government will say to the foreign country, "You pay us the amount we had to pay out because you unlawfully seized the ship, and if you do that, we will give you foreign aid"?

Mr. KUCHEL. I suggest the Senator is wrong. If he feels that way about it, let him vote against the amendment.

Mr. LAUSCHE. Is not that the fact?

Mr. KUCHEL. No, it is not the fact. I deny it.

Mr. LAUSCHE. How long would the suspension remain in effect?

Mr. KUCHEL. As long as the law remained on the statute books.

Mr. LAUSCHE. It would remain in effect until such time as the foreign country reimbursed our Government. Then our Government would say, "Well, now, we will give you more foreign aid." Is not that the fact?

Mr. KUCHEL. No.

Mr. LAUSCHE. What is it?

Mr. KUCHEL. Well, the fact is, I will say to the Senator, that the amendment is clear and speaks for itself and provides in part as follows: That when seizure is made by a foreign country on the open seas, or what we in America term the open seas, and a fine or other penalty is imposed against the American-flag vessel, the Secretary of State, through diplomacy, for a period of 4 months, is given the obligation, through such channels as he deems most appropriate, to obtain a reimbursement of the amounts of money taken, on our view that the amounts of money that were

exactied cannot be supported in international law. At the end of the 4-month period, if his labors are unavailing, aid is suspended. Has the Senator read the amendment?

Mr. LAUSCHE. I heard the Senator's description of it very carefully, but his description of what it does would indicate he has not read it.

Mr. KUCHEL. In part it goes on to say, and I will read it—

Mr. LAUSCHE. The Senator started to say what the Secretary would do after he exhausted his diplomatic efforts. What does he do then?

Mr. KUCHEL. Starting on line 2, page 2 of the amendment, it goes on to state that under those circumstances—

The Secretary of State shall promptly report such failure or refusal to the President. The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended [with the citation] to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

Mr. LAUSCHE. That is exactly what I said. After the Secretary has collected money constituting the amount of the reimbursement, he says, "Now we will give you foreign aid." That is the point I made, and that is the weakness of the bill.

Will the Senator from California accept an amendment to his proposal which would bar all aid from the United States to any country that practices seizure of American ships in international waters—an absolute bar, without any quibbling about "You give us reimbursement; then we will give you back what you reimbursed us with"—in other words, that any country which seizes our ships unlawfully in international waters shall be barred from all aid?

Mr. KUCHEL. Mr. President, if there is any question about the intention on the part of the authors of this amendment to prevent foreign assistance in such circumstances as we provide for here, suitable amendatory language will be accepted by us, but I doubt that it is needed. However, I think it is sound to provide for a 4-month period in which the Secretary of State may proceed diplomatically.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield.

Mr. FULBRIGHT. As the Senator knows, this bill came to the Foreign Relations Committee after it had been reported from the Committee on Commerce. I am puzzled by what appears to be a new principle of reimbursement to private individuals because they run into some difficulty with a foreign government. Is the principle of this bill going to lead to other measures to provide that, if a business is destroyed in a riot or other such difficulties, the Federal Government will provide reimbursement? In other words, is the Federal Government going to assume the burden of making whole those who suffer losses abroad—or at home—when they suffer losses while engaging in activities they consider lawful. It is very questionable practice for the Government to assume the risk of their venturing into troubled

waters. In Chile and other countries of Latin America, there are great questions, for example, about fishing rights for U.S. vessels.

I think the right way to approach this problem is through diplomatic negotiations to try to reach a settlement. I do not agree with the assertion by Peru, Chile and Ecuador of a 200-mile limit. I think such a claim is absurd. I would do anything possible to help promote an agreement. But I believe that this approach of reimbursing individuals who venture into an obviously dangerous and disputed area is not the right way to go about it. It sets a precedent for Federal reimbursement of private citizens carrying great implications. I do not know how one could logically resist a similar demand by those who would say, for example, "My grocery store was broken into. It was illegal. I think I ought to be compensated."

I do not agree with such a principle of public responsibility for private losses.

We have insurance and other means for providing protection and where those are not satisfactory perhaps some changes in our domestic law are called for. In this case we ought to strengthen the international law through agreements or treaties with the countries concerned. I am for that.

We already have section 620(o) in the Foreign Aid Act, originally sponsored by the Senator from California. That deals with the question of cutting off aid. It is discretionary. It is as far as we ought to go. I was not even for that.

The Senator from Michigan has a proposal to make changes in the existing rules on our territorial limits.

I think our Government ought to pursue a solution to this complex problem in the regular diplomatic ways, seeking an international agreement on the subject. I am very sympathetic with the problem that concerns the Senator from Alaska and the Senator from California. I would like to do something about it, but I do not think this bill is the right way to do it.

Mr. BARTLETT. I am pleased to have the views of the Senator from Arkansas.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. In just a moment. I should like first to reply to the Senator from Arkansas.

This whole question is of no personal interest to me. It does not concern the State of Alaska. So whatever attitudes I hold concerning the proposed legislation are objective.

It has been stated, not once but repeatedly during consideration of this matter, that it would create a precedent. Mr. President, that is not so. The precedent, if such it be—and I have not researched the history of years long since past—has been in effect for 13 years.

In 1954, Congress passed, and it was signed into law by the President, a bill providing that the Federal Government should compensate American fishermen in circumstances where boats were taken by nationals of other countries. Compensation would be confined solely to the fines which were paid.

Since 1954, tuna vessels to the number of 54 have been seized, and shrimp boats to the number of about 67. The fines have

not amounted to a great deal of money. In all that time, the amount of fines paid out by the State Department for compensation to the fishermen has totaled only a little more than \$457,000.

But we did not approach this problem with the thought that we were creating a precedent. I think the history of the prior legislation clearly shows we were not. As the Senator knows, the Committee on Commerce did not approve the bill with the amendment now suggested by the Senator from California—an amendment, by the way, of which I am a co-sponsor.

As I tried to explain to the Senator from Ohio awhile ago—though quite unsuccessfully, I am sure; I hope I shall have better success with the Senator from Arkansas—the fact is that this is not to be compared with losses that might be incurred by a U.S. business located in a foreign country, nor losses that might be incurred in an American city where there were riots, for example—a subject brought up by the Senator from Ohio.

What we are trying to do here, under very strict limitations, is demonstrate to these countries which now have territorial limits of 200 miles or more, that the United States does not for one moment agree that such limits can be established unilaterally under international law.

Since the State Department and the Department of the Interior—the two departments of Government chiefly concerned—endorsed the bill reported by the committee, we have a right to assume, I suggest, that they would regard it as a calamity if American tuna boats were to stay outside the 200-mile limit. All our sessions in connection with territorial boundaries would be harmed to a certain extent if we simply ceased fishing within those waters.

If the State Department and the Department of the Interior—both of them having, as I say, a primary interest—had thought there was any doubt about the wisdom of the bill, of course, they would have submitted adverse reports. And I insist, no matter what the Comptroller General—who is not infallible—may have said in the report he made to the Committee on Commerce on this bill, that the precedent was established by the act of 1954, and we are simply building upon that.

Mr. FULBRIGHT. Will the Senator permit me, for the RECORD, to read what the Comptroller General did say on that point?

Mr. BARTLETT. I yield to the Senator for that purpose.

Mr. FULBRIGHT. This is from a letter of October 30, addressed to the chairman of the Committee on Commerce. I shall only quote a part of one paragraph:

While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement, or an insurance program, from the Government for the value of properties that are seized by foreign countries in violation of treaties or international law. The provisions of proposed subsection 7(c) covering the establishment of fees to be paid by the owners of vessels entering into agreements under the program, allows the Secretary a considerable amount of latitude in de-

termining what would be a reasonable portion of the cost of the program to be covered by such fees.

And so on. He obviously regards it as a precedent. I think it is an extension of the previous precedent; it seems to me very clear that it is. The fines which have been levied, as the Senator mentions, are certainly quite different from reimbursement for the total value of the ship, loss of the catch, and so on. It is certainly an extension which has grave implications, and I do not think we are justified in approaching the problem in this fashion. It ought to be resolved by diplomacy.

What the Senator says about the Secretary of State and others, I think, means they do not wish us to accept 200 miles as a territorial limit. I do not wish us to accept it, either.

This proposal as to foreign aid carries an assumption that these countries are entitled to foreign aid. I do not say that any of them are entitled to foreign aid. We make no agreement, in our foreign aid bills when we pass them, that Peru, Ecuador, or any other country is entitled to foreign aid.

There is an implication here that, "If you do not seize our ships, we will give you something; if you do, we will not."

This is, to me, a very questionable concept of foreign aid. As a matter of fact, foreign aid faces a very uncertain future this year and hereafter, and I would think, if we want a serious solution of this question, it should not be tied in with a bill so uncertain of enactment, amounts, and so on, as the foreign aid bill. Certainly, no foreign aid bill has ever specified what any country is entitled to.

Mr. BARTLETT. If I may respond briefly, I shall then yield with pleasure to my friend from Florida.

I cannot see for the life of me any reason why this principle was not established in 1954. And once a principle is in effect, it can be altered. It can be magnified, just as we seek to do now.

Let me say that primarily we are driven to means of this nature by legislative procedure because the State Department has repeatedly—and I do not know the number of times, but I imagine that the people in the State Department would have to look in their files to determine that question—tried to enter into negotiations with South American and Central American countries on this subject. They have not gotten anywhere.

What happens now? There will be a meeting among Chile, Ecuador, Peru, and the United States in Santiago on April 17. Our information is—and naturally I cannot declare it to be authoritative, but it comes through a mighty good source—that this conference, which is to be on this subject and on related subjects, was called because of the presence before the U.S. Senate of this very bill. Furthermore, the source says that if the pending bill is rejected or dropped, the conference may also be dropped.

Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, first I express my appreciation to the Senator from Alaska who is presenting this bill most ably and whose State, as he has al-

ready said, is not remotely affected directly by the pending bill for the reason that the waters between his State and the Asian mainland are covered by international agreements so that the pending bill does not apply to incidents arising there.

The bill, however, does apply in a very vital way to several important segments of the fishing industry. And I shall mention only two. They are the tuna fishing industry, which the Senator from California knows much more about than I do, and the shrimp industry, which I may know as much about as the Senator from California since my State has over 1,000 shrimp vessels engaged in that business.

I want to state my understanding about the pending bill. In 1954 we passed the existing legislation. It has been of great benefit. Most of the 67 shrimpboats that had been seized prior to the hearings on the bill—and there have been several seized since—were shrimpboats which came from the State which I represent in part, the State of Florida.

The settlements have been made by the State Department under the terms of that bill, and they have been helpful. They have not by any means covered the situation as well as it should be covered, however, and the pending bill is offered and is supported by the State Department and the Interior Department because it is meant to supplement the Act of 1954, the Fishermen's Protective Act, and to perfect it by adding certain paragraphs which make it much more effective.

One of those paragraphs will enable the pending bill to deal with the salaries of the captains and members of the crews in part, not to exceed 50 percent of their earning capacity, whether by way of salary or participation in the proceeds of the catch. No such factor as that was involved in the original 1954 bill.

Unfortunately, the shrimpboats, from my State at least, have been held up for long periods of time during which the personnel involved have lost their pay and there has been hardship on their part and on the part of their families and on the part of the communities, which are large shrimping communities.

Another of the provisions would require the participation of the fishing industry itself in the setting up of the insurance fund.

I note by the committee amendment that the original bill has been changed to prescribe that the amount of the Federal contribution shall be at least one-third, as I understand it, of the amount of the insurance fund.

Mr. BARTLETT. The contribution of the Federal Government is two-thirds, and the contribution of the fishermen is one-third.

Mr. HOLLAND. The bill has fixed a minimum to which the Federal Government will be bound.

This is no great departure. We have Federal crop insurance applicable to the producers of food which we eat daily, food that does not come from the sea. I have long been interested in that program. The Federal Government pays the administrative costs, and sometimes it has had to go beyond that, in seeing that the producers of our foods get a degree

of protection. Just as the pending bill does not give full protection, so, too, the Federal crop insurance does not. It does not pretend to take care of profits. It does try to give a basis of protection so that the growers can get most of the cost of production in the event the crop is destroyed by hail, freeze, flood, drought, or pest, and they are enabled to get some protection and are not put entirely out of business.

That is the type of bill the pending bill is, and I call attention to the fact that we are dealing with some vital foods. I dare say that one cannot go into a first-rate eating place in the city of Washington that does not periodically or daily have shrimp upon the menu. I dare say that one cannot go to such an eating place that does not have regularly or periodically tunafish upon the menu.

Those foods are acceptable portions of the ordinary menu and of the ordinary market basket necessities of people of this Nation.

The effort here is to give something comparable to the insurance protection which we give or offer to give to the agricultural industries that produce food, to those who risk their lives, their fortunes, their working capacity, and working days and nights—because that is what it is, a day and night job—in the not easy matter of taking fish or shrimp from the seas.

I do not think this is the time to go into the troublesome questions of foreign aid. I may say to my distinguished friend, the Senator from California, that I am as harassed as he is. I am as frustrated as he is. However, I think we could not expect to have the continuing support of the State Department, as we have for the bill as it comes out of committee and probably the continued support of the Department of Interior or of the administration as a whole if this particular feature were included.

I call attention to the fact that we already have insurance systems that are set up under various features of foreign aid and foreign investments in other programs to encourage our people who have money to invest and know how to use it to go into foreign countries and make investments there.

This would become an insurance program if this measure were enacted. Insofar as I am concerned, I think it will be a vast improvement over the existing law.

I have no complaint to make of the State Department. The State Department has been highly diligent in protecting a good many dozens of shrimp boats from our State which have been seized anywhere from Mexico to the coast of South America and in the Caribbean, boats which come from our State.

The State Department has been diligent, but no matter how diligent it has been, I can see that my friend, the Senator from Ohio is troubled by this matter. The pending bill does not take care of some of the necessary items. One of them involves the matter of reimbursement in part for an ordinary lost catch of the individuals involved, the captain and the crew, of a little shrimp boat. And in the case of the boats from the

Pacific coast, they are a good deal bigger. They have more personnel involved on each of their boats.

Mr. President, I think this is a very helpful bill.

I say to my friend, the Senator from Arkansas [Mr. FULBRIGHT], who has a very proper concern about the question of negotiations and that this is a question that has been negotiated ad nauseam. We had an international convention on the subject of the rights of the sea and the rights of property in the underlying bed of the sea a few years ago. We were able to get the necessary two-thirds vote on the question of the right to property interest that could be developed from the seabed.

I believe it requires a vote of more than two-thirds of the nations of the earth. I am not an expert on foreign matters and international law, but that is my recollection. It is also my recollection that we lacked just a vote or two in getting sufficient votes to agree on a limit well beyond our 3-mile limit.

Mr. FULBRIGHT. I believe it was just one vote.

Mr. HOLLAND. One vote. I am glad that the Senator has added that fact. My recollection is that they were over there months in the course of that negotiation.

So this is a question that has not been ignored and has not been neglected, but it is a question in which, as I see it, the production of foods that we like, foods which are necessary now as part of the menu of our Nation, depends upon some better structure than that which exists.

I congratulate the committee upon having worked out this bill, and I hope that the distinguished Senator from California will not think I am being critical, because I am just as frustrated as he is. I would like to put some penalties somewhere, but the State Department, in its report approving this bill, called attention to the fact that this is an international claim of our Nation against other nations, like other international claims, and must be followed up in the international way—that is, by diplomatic means.

I am afraid that if we added this amendment, we would be in trouble with respect to getting the bill approved. So I hope the Senator from California will reconsider the intention that he has announced to offer this amendment.

Mr. President, I am not an expert on this matter, but on numerous occasions I have attempted to work out these matters between the owners of shrimp boats in our State. As I have said, we have more than a thousand such shrimp boats operating in the waters which are affected, in the gulf and the Caribbean. I have been confronted with these troubles repeatedly, and the present law does not adequately take care of the situation. It does not require any participation by investment on the part of the boatowners. I believe that provision is good, as well as the holding of the compensation to 50 percent of their earnings, based upon their previous earnings for a certain period of time, because it certainly does not offer any inducement to

anybody to disobey the law or to knowingly get into trouble with our neighboring nations.

I hope we can pass this bill just as it is presented. I believe a good job has been done on it. I again congratulate the Senator from Alaska. And again I say that I hope the distinguished Senator from California will be patient enough to let us see if the new law would more adequately take care of the situation, without trying to put a penalty into the law. I am sure that the enactment of his bill with the penalty provision would bring the bill into much greater question than it is now. We now have the written approval of the departments that would be directly affected—that is, the Department of State and the Department of the Interior.

Furthermore, the amendment on the one-third contribution by the fishermen and the two-thirds contribution by the Federal Government, which the committee has placed in the bill, is to meet, as I understand it, the criticism made by the General Accounting Office or by the Bureau of the Budget, one or the other. I have read the various reports and I believe the bill should meet that criticism, because it does fix reasonably the limitation which could be applied upon the Federal contribution.

I hope that we will enact this bill for the 4 years covered by it—it is a temporary measure—as a further experiment in this field, because it is based clearly upon the inadequacies of the present law which already have been developed.

I might add that I have talked repeatedly not only with the boatowners and the crews, but also with the personnel of our State Department. I have even talked with personnel representing some of our friendly nations in Latin America—that is, from Mexico down as far as El Salvador.

Mr. BARTLETT. Peru?

Mr. HOLLAND. No, because our contacts have been entirely in the gulf and in the Caribbean. I do not recall having any definite contacts with any officials of other nations except down as far as Nicaragua.

Mr. FULBRIGHT. Is that where they get the big ones?

Mr. HOLLAND. They get big ones off the coast of Florida, and they get big ones down there. I can tell by the remarks of my friend the Senator from Arkansas that he is somewhat of a gourmet when it comes to the consumption of shrimp. They are mighty good, and they are part of our necessary diet. I believe they have become the most valuable single item that we take from the sea. The Senator from Alaska can correct me in that respect, if I am wrong, but I have been told repeatedly that that has become the situation.

So I hope that this bill will be passed as reported by the committee.

Mr. BARTLETT. Mr. President, I thank the Senator from Florida for his very distinct contribution to this debate.

As the Senator from Florida has said, shrimp is the most important fish, by far, in terms of dollars, produced in the United States. Unhappily, despite this, we are forced to import some. But this helps our friends and neighbors.

I wish to reiterate one fact, so that it will be clear to Senators who may have entered the Chamber after this discussion commenced. Under the terms of this bill, we are not proposing an unlimited Federal appropriation. By no means are we proposing any such thing. The measure, as the Senator from Florida and others have pointed out, is temporary in nature, extending only 4 years; and the Federal participation, by the terms of the amendment offered by the committee and agreed to on the floor earlier this afternoon, is limited to \$150,000 a year.

I take a view contrary to that held by the Senator from Arkansas and the Senator from Ohio. I do not believe they are correct when they say that in this bill we are adopting an entirely new principle. I believe the principle was established in 1954. What is sought by this bill is merely to give the fishermen needed additional protection.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield.

Mr. FULBRIGHT. I do not wish to prolong the matter, but how does the Senator distinguish between fishermen who suffer from what we consider illegal acts and any other businessman? Suppose a man goes to Mexico or Ecuador and he is mistreated by the local authorities through excessive taxes or some other way, and loses his business. How are we going to turn him down if a bill comes in to reimburse him for all his losses? In other words, why are fishermen picked out for this very special treatment?

The guarantee program that the Senator from Florida mentioned a moment ago does not pick out a special kind of businessman and say, "If you do follow a particular area, we are going to give you this subsidy." This bill picks out fishermen. This is very special legislation. Why is it not made to cover everybody who does business and runs into trouble with a foreign country?

I am raising these questions because it is a very difficult problem—it is a difficult area. The precedent here strikes me as a little dangerous.

These matters ought to be settled by diplomatic means. I cannot deny what the Senator from Florida said about shrimp. We do subsidize the producers of certain domestic agricultural activities. There is no doubt about that. However, there is a distinction establishing the principle of subsidization abroad. We are going to give special treatment to this group because they run afoul of the laws of a foreign country. I am bothered by the effect of this legislation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. The Senator from Florida is ready to respond, and so am I. I yield first to the Senator from Florida. Then, I shall respond.

Mr. HOLLAND. I thank the Senator for yielding and paying that much courtesy to my gray hairs. I appreciate that.

I wish to point out to my friend that there is a very great difference between the two situations.

If I, as an American citizen, go into a foreign country to invest my time and money I know I am subjecting myself

to the laws of that country and their enforcement.

If I am fishing on the high seas, as contended by us and as contended by the great majority of nations of the earth, the question there is, do we cease to have any interest in our citizens who are not within a foreign country, but to the contrary, are in a jurisdiction we claim is international. We claim that strongly. They are still within the protection of our flag and they are still within the protection of our philosophy. What constitutes international waters? The two cases are not similar at all.

Any objection that the Senator from Arkansas might have is really directed at laws presently existing on the books since 1954, because this proposed law would simply correct the deficiencies already found to exist, particularly with reference to the protection of the personnel, who, I think the Senator will agree with me, are as richly entitled to be protected by their home country as the owner of the boat and the equipment.

It also establishes a pretty good American principle, the one of self-help, by making this insurance program a mutual insurance program between our Nation, in protecting rights we defend, and the individuals who are in the business in subserving rights which they have. I think there is a great difference.

I yield to my youthful friend from Alaska. I thank him for having yielded to me.

Mr. BARTLETT. I accept the burden gladly.

Really, there is not much to add to that which has been said by the Senator from Florida. There is an essential difference, of course.

Let us say an American businessman goes to a South American country and establishes a business. He does so in conformity with all existing laws and regulations of that particular country. I do not know if it ever happened in this particular area of the world, but let us suppose has happened elsewhere, his property is expropriated. An ordinary business venture based upon such a situation, it does not seem to me, can be compared with what the American fisherman is confronted when he fishes in waters which are held by the U.S. Government to be international in character and held by the country, off of whose coast the waters lie, to be part of its territorial sea.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. FULBRIGHT. This matter is important. I do not see the distinction where he is conforming to the law as we believe it to be, and when his business is expropriated.

I have some cases in mind where in connection with public utilities they are refused a request to allow them to adjust their rates, and they are forced to sell at a sacrifice. I cannot see any difference where they mistreat a businessman and where they mistreat a fisherman. I like fishermen, and I like shrimp.

However, as a matter of principle, why does the fisherman have preference over a fellow who invested in an electronic plant and they take his plant?

Mr. BARTLETT. Mr. President, I feel that the thinking of the distinguished

Senator from Arkansas does not meet with the thinking of the Senator from Florida or the Senator from Alaska in this instance.

I think the answer might be found in a statement made by Ambassador McKernan, of the State Department, in testimony before the Committee on Commerce on this subject, when he said:

It seems to me, Mr. Chairman, that the fisherman is protecting the rights of Americans on the high seas, and it is unfortunate that he has been made to carry such a heavy burden and disproportionate load.

I yield to the Senator from California.

Mr. KUCHEL. I thank the Senator for yielding. I shall speak only briefly.

I believe the Senator from Florida made a superb contribution to the record. He has helped to educate me on the basic need for the bill.

I do wish to say that, as the Senator knows, we have had a series of seizures, up until the last one occurred just a matter of weeks ago.

I rather think it would have a salutary effect if we provided for economic sanctions against our neighbors. I think that some people have gone so far as to suggest that we run part of our Navy down there and say, "Do not interfere with our vessels." That is not the way to get along with our neighbors. I do think we should say, "We are not going to let you make a monkey out of Uncle Sam." Therefore, I am hopeful that the amendment which the Senator from Alaska, the Senator from Washington, and I jointly sponsor, will be agreed to.

Mr. President, I ask unanimous consent that the name of my distinguished colleague [Mr. MURPHY] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. I hope that my able friend from Florida would feel that the ends of justice and equity would be served by adopting this kind of amendment. However, I do not want to prolong the argument.

Mr. HOLLAND. I appreciate the tone of the Senator from California. We are interested in exactly the same objectives. He has spoken of providing assistance and of sending the Navy down. The trouble is that we have already sent the Navy down, and have even given elements of the Navy to countries which are our friends, and they are operating those ships to seize our vessels. That happened in two of the countries about which I know. The seizures were accomplished by small naval vessels given freely by our country to those Central American countries which are our very close friends in many respects—one of them, I think, our closest friend in the hemisphere. That has added greatly to the feeling of frustration and sometimes to the hostility that prevails in that fishing group.

Mr. President, I see no objection at all to improving and making more perfect a law already on the books, particularly when it is done in a way that brings in participation by the industry itself. It will have to contribute its own money to come under the law, which is not now the case, and particularly, also, for the first time, it will assure the continuance of some income to the poor

devils who are seized and thrown into jail and kept from making a living for periods of days, sometimes periods of weeks.

Those two improvements—and they are a part of the amendment—are what most appeal to me. I strongly favor this perfection—that is how I regard it—of the law now on the books.

I thank the Senator for yielding.

Mr. KUCHEL. Mr. President, I move the adoption of the amendment.

Mr. MURPHY. Mr. President, in supporting S. 2269, and Senator KUCHEL's amendment thereto, I renew my call for increased protection for American fishermen.

During the past 7 years, Ecuador and Peru alone have seized 57 U.S. fishing vessels operating in international waters.

How can we prohibit similar incidents in the future? There is only one way which I can see. The United States must bring Ecuador, Peru, and the other nations claiming fisheries jurisdictions of 200 miles to the conference table and reach an accord as to the outer boundaries of the territorial sea and fisheries jurisdiction.

While international law does not specify the exact breadth of the territorial sea, in 1957, the International Law Commission determined that in no case should the outer limits of the territorial sea exceed a distance of 12 miles from the shore.

Then in 1958 and 1960 United Nations Conferences on the Law of the Sea were held at Geneva. While no definite limits were set, a U.S. compromise—authorizing a 6-mile territorial sea and a 6-mile fisheries jurisdiction, subject only to historic rights, failed by only one vote to receive the support of the necessary two-thirds of the 87 participating nations.

That far more than a majority of the countries favored the U.S. proposal is indicative, Mr. President, of the sentiment in the world community for a territorial sea and fisheries jurisdiction not to exceed 12 miles. It is indicative as well of the hope of other nations to resolve the discrepant claims which exist.

With this in mind, it is inconceivable to me that Ecuador, Chile, Peru, Argentina, Nicaragua, Panama, and El Salvador should claim a 200-mile limit.

Reconciliation of our differences, Mr. President, can only come through mediation at a conference where good faith negotiations are employed. I have called for such a conference in the past, and I am taking this opportunity to do so again.

Yet we know that the chances of such a conference are slight. There has been no indication of the willingness of all the nations to meet, nor have Chile, Ecuador, or Peru made any efforts to resolve the problem in a four-nation conference with the United States. To the contrary, they have aggravated it with flagrant and frequent violations.

On March 13, a shocking incident occurred. After the *City of Tacoma* had been seized 45 miles off the coast of Peru, the armed guards who boarded the vessel opened fire from the U.S. ship against an Ecuadorian vessel and thereby invited retaliation which would have jeopardized the lives of the entire U.S. crew.

This incident came only a few months after another episode which demonstrated vividly the adamant attitude which Ecuador and Peru have maintained concerning this issue.

This incident occurred when former Ambassador McKernan, now Assistant Secretary of State for Fish and Wildlife Service, attempted to initiate a conference between the United States, Ecuador, and Peru to attempt to settle the differences between these countries regarding their sea claims.

After receiving assurances from Ecuador and Peru that they were willing to negotiate, the U.S. vessel *Puritan* was seized as McKernan boarded his plane back to this country.

While I continue to stress the necessity of good-faith meetings between these countries and the United States, my hopes of it taking place obviously are not great. Therefore, I support S. 2269 and Senator KUCHEL's amendment which, I believe, offer temporary protection to fishing vessel owners and their crews whose financial and physical well-being have been so often jeopardized by these acts of piracy on the part of our Latin American neighbors.

At present, vessel owners are only reimbursed under the Fisherman's Protection Act for the fines they pay. S. 2269 will broaden the coverage of reimbursements to include all direct charges to the boatowner—not only fines, but costly registration and license fees, as well.

Furthermore, it establishes a guarantee program requiring compensation for damage to the vessel, 50 percent of the estimated gross income lost as a result of the seizure, and the market value of the fish spoiled during confinement.

However, this alone is not enough. It serves to mitigate the damage done to the boatowner, but it will not prevent further occurrences. The amendment introduced by Senator KUCHEL will.

In 1965, Mr. President, the Congress amended the Foreign Aid Assistance Act of 1954, so as to permit the President to withhold foreign aid payments to any country which seized or imposed fines or penalties on any of our fishing boats operating in international waters.

Originally, we had intended to require such a cutoff of funds; however, the Congress saw fit to leave the prerogative with the President. Now, 3 years later, I must wonder why? The President has never invoked this power. His actions are long overdue, yet I doubt they will be forthcoming with any future seizures.

Consequently, Senator KUCHEL has seen fit to require the Secretary of State to take any necessary action to collect amounts expended by the United States to reimburse fishing vessel owners for the fines, license fees, registration fees, and other direct charges and losses incurred as a result of the seizure and confinement of their vessels; and then, if the Secretary fails to receive reimbursement, for the President to suspend assistance payments to that country making the seizure.

Mr. President, until the various claims as to fisheries jurisdictions are resolved by the International Court of Justice—to whom the United States has tried to submit the case, but to whom the other nations have refused to let it be

taken—or by an international conference, we must provide for the losses sustained by our fishermen and we must curtail foreign aid to those nations who do not immediately cease their piracies.

Mr. LAUSCHE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A TRIBUTE TO LYNDON JOHNSON

Mr. CHURCH. Mr. President, Sunday night, following the President's remarkable address to the Nation, I said:

This is Lyndon Johnson's finest hour. He is taking those steps best suited to bringing an end to the war in Vietnam, and he is making the supreme political sacrifice to further strengthen his search for peace. Every American tonight should honor the President of the United States.

Today's response from Hanoi, indicating a willingness to initiate preliminary discussions, is the first hopeful development to come out of Vietnam in years.

At long last, I can now see a glimmer of light at the end of the tunnel, even though the path ahead is still highly uncertain.

President Johnson deserves much praise for the forthright action he has taken. No one, at home or abroad, can any longer doubt his sincerity of purpose.

In his new undertaking to end the war in Vietnam, the President is entitled to the united support of the American people.

#### TODAY'S OFFER TO NEGOTIATE FROM HANOI

Mr. JAVITS. Mr. President, I, too, would like to make a brief statement on the reports coming out of Hanoi this morning.

Hanoi's offer to talk about how to begin peace talks should be accepted. The important thing is to get talks started and to build a momentum for substantive negotiations. Hanoi's statement is ambiguous and disappointing in its rigidity; but there is room in the "bombing restraint" announced by the President for further implementation, and the way to resume is—as I said long ago—to resume.

In February 1967, I called for an unconditional bombing cessation which would "expect"—I used that word at that time—that Hanoi would not use the cessation to further its own military buildup. This would not have required Hanoi's prior agreement to negotiate. I was perhaps the first Senator to say so—subsequently the President took the same position.

In my judgment, the administration missed the boat in February 1967—I spoke then in Buffalo, N.Y., at a great Lincoln Day celebration—by not ordering an unconditional cessation, because there was then an auspicious international framework for negotiations.

Nonetheless, it is never too late to do what is right.

Mr. President, it is time to mark a "beginning of the end" of the Vietnam engagement. That is what our people and the world want and what the situation requires. It may come if we now agree to talk with Hanoi's representatives—as I strongly urge the President that we should.

#### THE BUSINESS OF BANKING

Mr. HOLLAND. Mr. President, on March 22, 1968, the Comptroller of the Currency, Hon. William B. Camp, spoke before the Florida Bankers Association at Bal Harbour, Fla.

We heard a great deal about our economy and fiscal policies during the course of the debate on H.R. 15414. I feel that Mr. Camp's remarks, in which he discusses the role the banking system of our country plays as a critical component of our industry, commerce, and economy of the Nation, are most appropriate, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

#### THE BUSINESS OF BANKING

(Remarks of William B. Camp, Comptroller of the Currency, before the Florida Bankers Association, Bal Harbour, Fla.)

I am always pleased to have the opportunity to come to the Sunshine State of Florida. I have been here several times on both business and pleasure, sometimes to attend conferences, sometimes to relax and fish and enjoy your splendid climate and scenery. But on every visit, I have been most impressed by the warmth of your hospitality and by the considerate treatment you accord to all your visitors.

For a number of reasons, I do not plan to spend April in Paris. The opportunity to spend even a short part of March in Florida is more than adequate compensation. And the opportunity to meet again with my many friends of the Florida Bankers Association is doubly welcome.

I do not travel as much as some of my Texas friends, but I feel about the same as a fellow Texan I know who walked up to an airline ticket counter and said, "Give me a ticket."

"Where to, sir?" the girl behind the ticket counter asked.

"It doesn't make any difference," the Texan replied. "I've got business everywhere."

Since becoming Comptroller I have found that I, too, have business almost everywhere, even though it doesn't always take me to such pleasant surroundings as these. Wherever I do go, I am impressed again and again with the evidence I see of the strength and soundness of our National Banking System—and indeed with the healthy growth and steady progress of the commercial banking system as a whole.

While in the process of preparing my remarks to you today, I quite fortunately received a publication entitled "Freedom of Choice" sponsored by The Magazine Publishers Association, an association of 365 leading United States magazines. While thumbing through this publication, a caption on one of the pages immediately caught my eye. In bold print at the top of the page it stated, "Don't throw the baby out with the bathwater." I was quite impressed by the contents of this particular page, as it sets forth the basic theme of my talk to you today. With your indulgence I would like to read it to you:

"There's a funny thing about the Amer-

ican economy. Ask any two economists what makes it tick and you've started a debate.

"Because, the simple, ingenious truth of the matter is this: nobody really knows or agrees on all the influences that combine to give it muscle. Or, where all its weaknesses may lie.

"All you'll get agreement on is that it seems to work. It has produced the broadest and most abundant prosperity in all the histories of man . . . the highest standard of living for the greatest number of people.

"The heart of this restless, surging, vital economy is and always has been: free competition. That's what has distinguished it from the managed economies of the Old World . . . economies managed either by government or by cartel.

"Competition has been the sharp spur that has produced the incredible variety of products and services we have today. It has produced the endless innovations that have made life easier to live. More enjoyable. More rewarding.

"It has encouraged manufacturers to build more things . . . and build them better . . . and at lower prices. They have to build more and better . . . and the prices have to be right . . . or the consumer stops buying. Because, the other side of free competition is *your free choice in the marketplace.*

"This is the astonishing power of the American consumer. He can make or break the largest businesses with a nod or a shake of the head. He has the choice. He has the ballot of the dollar.

"That's why it is disturbing to find people of influence in America today who would like to make both free competition and free choice a little less free. They may concede that the system has produced some great results but they'd like to 'fix it a little.' There are too many kinds of olives, they say. Let's standardize. Company 'A' spends more on advertising than Company 'B', and that's unfair competition, they plead. Let's regulate.

"Yet, our system was built on exactly the opposite kind of thinking. Regulation doesn't stimulate competition. It tends to make all products the same.

"How much can you interfere with the competitive economy, which has brought us so many benefits, without damaging it? The truth is, nobody knows. The 'Little' fixes may someday add up to quite a lot.

"Of course, any economy needs some regulation—but *let's be sure that we don't throw out the baby with the bath water.*"

One of the most precious freedoms we enjoy in our country is the liberty of the individual to choose a career and to pursue it at the point of his choice. In the world of industry and commerce, this principle finds expression in the latitude to enter any field of production or distribution and to serve any class of consumers. The phenomenal achievements of our economy are thought by many to rest more on the great national markets we have opened to all forms of enterprise than upon any other single factor. The advances in communication and transportation we have experienced, have made this, more than ever, a reality.

Under the influence of this freedom, we have developed the arts of specialization more highly than any other Nation. You who live in the State of Florida have seen the fruits of these developments. Your wonderful year-round climate has come increasingly within the reach of the growing numbers of our citizens who can afford the pursuits of leisure and the comforts of retirement—and this has enabled you to exploit these advantages to a high degree. The technological advances which have been made possible by the strength of our economy have enabled us to explore beyond the boundaries of Earth—and Florida, as a result of its strategic location, has stood in the forefront of these pioneering endeavors which hold untold promise for the future.

We are witnessing today comparable efforts on the part of the banking industry—throughout the Nation—to realize more fully its highly-specialized capacity to perform a broader range of financial functions so essential to the further progress of our economy. These responses to long-neglected opportunities have spurred the introduction of many new banking services and facilities—and have provoked some to question the appropriate role of the banking system in our society. What, exactly, it is being asked, is the proper scope of the business of banking?

One aspect of the banking business—branch banking—has been drawing increased attention in recent years. Understandably, this attention has been centered in those States which impose the most severe limitations on branching. In many of these States, there has been a growing movement in recent years to liberalize the laws relating to branch banking. This movement has, so far, met with varied success—but it has been gaining force. It would be worthwhile to examine the reasons for this support, and the merits of this policy.

Branch banking is not a new issue in our country—even though in other industrialized countries this form of bank expansion has had general acceptance for many years. Much of the discussion of branch banking in recent years has been clouded by questions of existing law, by the divided authority over banks, and by the varied interests of competing banks and their non-bank rivals. But there is a genuine issue of public policy here which must be faced if we are to resolve this question properly.

The success with which we improve the mobility of our financial resources will vitally affect our future capacity to advance the well-being of our citizens. Because human and material resources are not always as mobile, it is especially important that financial resources should move quickly and sensitively to the points at which they may be used to best advantage. This places a particular responsibility upon the local banker and his capacities—for it is upon his capabilities, his alertness, his judgment, and his initiative that the pace of enterprise in his community will be highly dependent. For this reason, there is broad public concern to see that the banking system throughout the Nation operates at the highest level of efficiency.

Traditionally, we have relied upon the forces of individual initiative and private enterprise to search out the most effective and most efficient means of utilizing our productive capacity in serving consumer needs. But in banking, this freedom does not exist. The structure of banking is under public control—no bank may be formed, branch, or merge without the approval of a public authority.

This places upon the banking authorities the responsibility for determining the best combinations of the various means of bank expansion in particular banking markets—according to the growing and changing needs for banking services and facilities in those markets, and bearing in mind the fact that the initiative for expansion still remains with the individual bank. Branching represents but one of the means for providing an expansion of banking facilities and services—and it is in this light that branching policy should be viewed. If this method is foreclosed, the pressure of demand may force the use of other—and in some instances less efficient—means of expanding available financial services. The growth of affiliate and satellite banking, holding companies, and many of our non-bank financial institutions, reflects in some degree the limitations which have been placed upon bank expansion through branching.

Much of the discussion of branch banking has been diverted from the basic issues of economy and efficiency because of the fear by many smaller banks that more liberal branching would lead to their extinction, and

because of the differences in branching laws among the various States.

Nothing in our experience, however, would confirm the fears of smaller banks. Indeed, the record shows that the restriction of branching, where there are market deficiencies, encourages the chartering of new banks, the formation of branching substitutes, and the growth of non-bank financial institutions.

Bankers have long been accustomed to giving advice. But, lately, they have been getting a lot of advice on how to run their own business—not so much from the regulatory authorities who are also accustomed to giving advice, but from their competitors. Strangely enough, some of these same competitors have been striving mightily to become more like bankers—a form of flattery that I am sure we all appreciate.

A generation of bankers whose experience embraced the unsettling years of the Great Depression and the restrictive banking legislation of that period, were taught to view the conduct of banking operations with extreme caution—almost with a sense of guilt for the reverses of the early thirties which more accurately could have been ascribed to the deficiencies of monetary policy and the lack of a system of deposit insurance. Under the influence of this constricting counsel—and during a period in which the Nation experienced its most rapid rate of technological advance and economic growth—the banking industry responded slowly, and only spasmodically, to the revolutionary changes that were taking place.

The non-bank financial institutions were not so reserved in taking advantage of the opportunities which appeared. They grew more rapidly than commercial banks in this period, and they took many new forms designed to meet emerging consumer demands.

Today, a new generation of bankers is appearing on the horizon—a generation with only a dim recollection of past fears, highly-trained in modern-day skills, alive to the opportunities for the expansion and modernization of banking services, and insistent upon exploring these opportunities. In the regulatory agencies, we have sought to reshape the pattern of public controls so that all new avenues for the performance of financial services that banks may safely pursue are held open.

Not unnaturally, this new force in the banking industry has met opposition from competitors although, interestingly, not from the consumers of banking services. The banking industry has a great un-utilized potential, and it represents a formidable latent factor in all financial markets. The question we face is: How far should the extension of banking functions be limited, and by what standards?

The paramount issue is to determine the public interest. It is repugnant to the most basic principles of our private enterprise economy to restrict entry or competition in any market, unless that competition is destructive of the very freedom of initiative that we seek to sustain.

There is a great deal of confusion—or at least of pretense—on this point. Entry into banking and bank expansion are restricted, and we closely supervise the conduct of banking operations. But these controls are designed solely to safeguard the solvency and liquidity of the banking system. It is of the most critical importance, in the dynamic economy that our banking industry serves, to make certain that, within these limits, banking initiative is fully preserved.

It is an extremely delicate task to regulate an industry without destroying or seriously impairing its will to explore and experiment. And it is easy enough for both the regulator and the regulated to fall into the comfortable habit of imposing and accepting rigid rules of conduct under the illusion that the industry can be insulated from the inexorable tests of the market place. But where an industry fails to adapt to the times—and

particularly where a regulated industry faces competition from unregulated rivals, as is true of banking—the consequences are likely to be crippling.

During the past three decades, we have witnessed dramatic changes in our society, in our economy, and in our relationships with the World around us. There have been profound effects upon the demand for financial services, and the banking industry is only now in the process of catching up with these events.

The demand for financial services—which lies at the base of the business of banking—is dependent upon the income and tastes of individuals, the state of technology, and the capital needs of industry and commerce. These are self-generating processes, and they are constantly undergoing change.

As incomes rise, a Nation is able to devote more of its resources to capital-intensive means of production, to undertake more research devoted to the advance of technology, and to spend more on the training of its citizens. As a consequence, incomes tend to rise further, and the process is repeated. In the course of these events, tastes change, new products and new industries emerge, and the economy becomes more highly industrialized and more highly specialized.

More significantly for our purpose, the demands for financial services constantly grow and change. Individuals with rising incomes save more, invest more, purchase more durable goods (which often involves borrowing in anticipation of higher incomes) and set aside more for the education of their children and for sickness, retirement and old age. The financing requirements of industry and commerce also rise as new technology is developed and put to work, new industries emerge, new products are introduced, and new markets are penetrated and explored. Modern production and distribution methods require ever more highly-trained personnel and more expensive instrumentation.

The response of financial markets has been to develop a host of new instruments and institutions to bring together more effectively those who have resources to lend or invest and those who manage or utilize these resources. It is to this environment that the banking industry of our country has had to adapt, in the face of rising competition for the resources they dispense and the services they offer—a competition that is, on the whole, less restrained by regulatory barriers. The recent resurgence of banking initiative in vastly broadening the range of its services reflects the efforts of the banking industry to meet the challenge of today's world of finance—to employ the most expert personnel and advanced technology feasible, and to react more sensitively and more quickly to changing consumer needs and competitive pressures.

A few illustrations may serve to indicate the manner in which the banking industry—now alive to its potential—has moved to improve its effectiveness and its efficiency. In order to compete more forcefully for the funds which constitute the raw material of their operations, many banks have introduced and expanded the use of certificates of deposit, issued preferred stock, capital debentures, and promissory notes, and expended greater efforts to attract savings accounts. They have entered more vigorously the long-neglected consumer loan and mortgage markets, and they have inaugurated credit card and overdraft facilities in order to make their services available more conveniently to a broader range of consumers. To accommodate the growing number of our citizens who travel, either for business or pleasure, there has been a notable expansion of travel check and related travel facilities. Mobile services have been undertaken in order to make banking facilities more readily available. And collective investment of managing agency accounts has brought the expertise of banks within the reach of many small investors.

To serve the growing and changing finan-

cial requirements of the world of industry and commerce, banks have entered the fields of leasing and factoring, and they have participated more actively in the financing of our foreign trade. As they have applied computer technology to their own operations, they have offered these services to others in order to make the most efficient use of these facilities. Comparable extensions have been made of the services of the increasing number of expert and specialized personnel on the staffs of banks, and payroll and accounting functions have been performed for many more customers. And to assist more effectively in meeting the pressing financial needs of local governmental instrumentalities at minimum costs, banks have underwritten revenue bonds and participated in community development loans.

This list of expanded banking services could be greatly enlarged, and it will grow if banks are allowed to shape their operations in response to the demands of today's more sophisticated financial managers, both individual and corporate. Commercial banks are best equipped, among our financial institutions, to perform the wide variety of financial services which our growing and dynamic economy requires. Their greater awareness of these opportunities, and their alert and energetic response to these prospects, is the dominant characteristic of recent banking history. It is eloquent testimony to the foresight and enterprise of the new generation of bankers who have made their influence felt throughout the financial community, a development that should be commended and encouraged.

This is a time of testing for democratic societies—a testing of whether we shall be able to achieve the goals we have set while preserving the liberty of the individual. At home, we face growing aspirations by many of our less fortunate citizens who find it difficult to earn a place in the age of technology. Abroad, our national interests and the principles which are vital to our survival are undergoing severe challenge. We need, as never before, to harness fully our great productive potential. Every means of improving these endeavors should be fostered and supported.

The banking system of our country is a critical component of our industry and commerce. We cannot afford the luxury of allowing this pervasive instrumentality—which reaches into the daily lives of all our citizens, and affects the efficiency and pace of enterprise throughout the economy—to be hampered in the full and prudent exercise of its productive capacity. All of us have a stake in this goal to search out every opportunity for the banking industry to extend and improve its service to the community and the Nation.

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A BROADER VIEW OF THE ASIA TRAGEDY

Mr. KUCHEL. Mr. President, some of the critics of America's role in Southeast Asia treat the subject almost as if there is no risk to our withdrawal from the scene. Indeed, the full dimension of this tragedy is shown by the inability of the antagonists in this debate to see clearly what is at stake for Asia, for America, and for the world.

Our allies in Asia have repeatedly

pointed out their deep concern over the implications of a Communist victory. This morning's Washington Post correctly emphasizes the acute need to see the tragedy of Southeast Asia in its fullest context.

It reads in part:

Prime Minister Tunku Abdul Rahman last week told visiting Australian and New Zealand journalists that a North Vietnamese takeover would spell doom for Southeast Asia. He said: "If the Americans for some reason decided to give up this war in Vietnam and the North decided to take over the South, then it will be the end of us all."

There is need for support from our allies and, more importantly, there is need for us to see just what precisely is at stake. I ask unanimous consent that the excellent editorial from the Washington Post be placed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### A MALAYSIAN VIEW

A cry of anguish from Malaysia surely will jolt thoughtful Americans who have a parochial and insular preoccupation with South Vietnam as a situation apart from the rest of that region of the world.

Prime Minister Tunku Abdul Rahman last week told visiting Australian and New Zealand journalists that a North Vietnamese takeover would spell doom for Southeast Asia. He said: "If the Americans for some reason decided to give up this war in Vietnam and the North decided to take over the South, then it will be the end of us all."

Not many in the United States are talking about just "giving up" in South Vietnam and fewer are advocating openly a Communist North Vietnam takeover. But whether the Premier's fears are justified or not, they make it clear that we are dealing with a crisis that will affect and influence the fate of most of the countries of Southeast Asia, and perhaps of all South Asia.

The Premier, in case of American withdrawal, foresees trouble in Malaysia and in Thailand. And he grimly conceives of the war as arraying the Soviet Union and China against the United States and the West. This may be putting the Vietnam crisis in its most apocalyptic frame, but it is a Southeast Asian view that cannot be lightly dismissed.

Neither can anyone lightly dismiss the Premier's thoughtful conclusion that a Communist-non Communist South Vietnam government will not work. He has had as much experience with Asian communism as any statesman in the region and his credentials as an interpreter of both Asian communism and the reactions of Asians to it are pretty good.

If South Vietnam does indeed have the larger significance that the Tunku gives it, two broad conclusions logically derive from his views. One is that the resistance to a North Vietnamese takeover deserves a lot more support from the rest of South Asia than it has had. The second is that the ultimate solution probably lies outside the immediate theater of conflict in Vietnam in a broader world-wide or regional Asian accommodation.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNLAWFUL SEIZURE OF U.S. FISHING VESSELS

The Senate resumed the consideration of the bill (S. 2269) to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

Mr. LAUSCHE. Mr. President, I shall later offer an amendment in the nature of a substitute for the amendment offered by the Senator from California, the Senator from Alaska, and others to the bill now pending before this body.

The amendment of the Senator from California provides that if and when a foreign country seizes a fishing vessel owned and operated by a national of the United States, foreign aid to that country shall be suspended until such time as the particular country reimburses the United States for whatever indemnity the United States has been required to pay to the vessel owner, under the provisions of the pending bill, if it is enacted.

My amendment, instead of suspending the granting of foreign aid, will absolutely disqualify the seizing country from obtaining foreign aid from the U.S. Government, until such time as it has given assurance to the United States of its purpose to discontinue the practice of harassing American vessels on the high seas.

The difference between the amendment of the Senator from California and my amendment is that mine would provide for an absolute bar against any foreign country receiving foreign aid from the United States if and when it seizes American vessels on the high seas or in international waters, and would not merely suspend the payment until the country reimburses the United States for the indemnity which our country has had to pay.

With due respect to the Senator from California, his proposal says, in effect, to the foreign country, "We will suspend foreign aid until you pay us an amount equal to the indemnity which we have had to pay to the American vessel owner." That is a rather novel way of doing business: "You pay us what we have paid out, and we will again give you foreign aid."

All they will do is keep asking for foreign aid, and continue to seize U.S. ships.

I shall at a later time send my amendment to the desk, but now I should like to discuss the pending bill itself.

Mr. President, S. 229 was sent to the Committee on Foreign Relations at my suggestion, after it had been favorably reported by the Committee on Commerce. I am a member of the Committee on Foreign Relations, and I fought against approval of the bill by that committee. The members of the Committee on Foreign Relations, after hearing testimony, voted 13 to 5 to report the bill unfavorably.

The members of the committee are well aware of the difficulties American fishing vessels have encountered while operating in South American waters. They believe that the rights such vessels assert should be supported vigorously by the full diplomatic resources of our Government. But two important principles which are involved here caused the committee to reject the bill.

Those important principles are as follows:

First. The bill would give preferential treatment to fishermen whose rights are violated by foreign governments. It would give to the fishermen treatment of a nature that is not accorded to other citizens of the United States whose rights are violated by foreign governments. The Senate is asked to provide a special privilege for the fishermen of our country. We are asking to provide that special privilege while similar privileges are not accorded to other U.S. citizens.

Second. The bill would establish a precedent that the U.S. Government will indemnify its citizens if and when they suffer damage by violence, either internationally or domestically, through violations of law.

I need not mention the fact, since it is generally known, but we have had riots around the country. Those riots occurred because government was not able to maintain law and order. Dwellings were burned down. Businesses were looted. Business houses were destroyed. This all occurred through the failure of either the local, the State, or the Federal Government to maintain law and order.

If we provide special treatment for the fishermen, on what theory can we say that the victim of a riot ought not to be indemnified by Government?

The citizen in the District of Columbia who walks the streets and is assaulted and robbed suffers damage because of the failure of the government to protect him. Is it proposed that we shall indemnify those victims for the damages which they suffer? Of course, it is not.

American investments are made in foreign countries. Those investments are seized by a foreign government. It happened in Cuba. It happened in Ceylon. It happened in South American countries. Does the Government of the United States reimburse that American national who has suffered the confiscation of his property? It does not.

Governments in Europe have seized bank deposits of American citizens. That has been especially true in Yugoslavia. Does the Government reimburse a citizen for the loss which he sustained through such an unlawful seizure? It does not.

Yet, it is proposed by the pending bill that one special segment of our economy shall be given special consideration and special privileges. The Committee on Foreign Relations does not believe that fishing vessel owners should be singled out for preferential treatment over that treatment afforded other Americans who have suffered loss at the hands of a foreign government while they are engaged in activities which our Government considers to be lawful, but which a foreign government says is illegal.

To do so would discriminate against many other Americans with claims against foreign governments for the infringement of rights which our Government considers to be valid.

The adoption of the pending bill would create a precedent which would indirectly obligate Congress to approve similar measures for compensating other claimants against foreign governments.

The rights of U.S. citizens to engage in activities abroad which are lawful in the eyes of our Government should not

be divided into preferential and non-preferential categories.

On the basis of good conscience, morality, and the belief that principles should apply in the adoption of laws, how can we give to one group of citizens a privilege that we do not give to another group? There are lawyers present in the Chamber at this moment, and I make an appeal to them especially.

Throughout my whole public career, I have learned that, unless we operate on the basis of principle applicable to all equally, we are headed for trouble. There may be lawyers present in the Chamber who have been on the bench. A judge does not decide matters on an ad hoc basis. He decides them on the basis of principles of law.

There is now a group of fishermen in Florida, Washington, California, and Oregon who want special treatment. Over the doorway of the Supreme Court is written the precept, "Equal justice to all."

These fishermen want preferential treatment, and they advocate the idea that justice shall be unequal. I cannot give my assent to that type of approach to legal matters by the Senate of the United States.

The issues of preference and precedent which concerned the Committee on Foreign Relations were stressed by the General Accounting Office's comments on the bill. In a letter to the chairman of the Committee on Commerce under date of October 30, 1967, Frank H. Weitzel, Assistant Comptroller General, stated:

While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement or to request an insurance program from the government for the value of properties that are seized by foreign countries in violation of treaties and international laws.

The letter report on S. 2269 from the Department of State also recognized the preferential nature of the pending bill. In the letter of September 6, 1967, it is stated:

As a matter of principle, the items for which this bill would provide compensation out of public funds are, in reality, claims against foreign governments.

On what theory and on what principle does the Government of the United States say: "Citizen, you have a claim against a foreign government, but we will pay you for that claim?" I cannot understand it.

The basic question posed by the pending bill involves in what cases, if any, is the public interest served by Government subsidization of losses incurred by U.S. citizens in asserting their rights under international law against foreign governments.

May I have order, please.

This bill is not the way to go about answering that question. The problem of fishing vessel owners should be considered in this larger context and not treated as an isolated problem, as this bill would do. This problem should not be treated on an ad hoc basis. It must be treated on the basis of general principles, and that is not being done under the provisions of the bill.

It may be that there should be some type of indemnification program for U.S. claimants against foreign governments, but that can be determined only after extensive study by the executive branch and by Congress.

The Senate should be aware that a meeting preparatory to a conference among the United States, Peru, Ecuador, and Chile on the fishing rights problems will convene in Santiago, Chile, on April 17. This meeting was announced only Wednesday. Passage of this bill now would quite likely seal the fate of the conference in advance.

The timing could not be more unfortunate. Only an agreement among the nations concerned can solve this problem. This bill will not do it. The Senate should not do anything that would lessen the likelihood of making the coming meeting a success.

A final point, Mr. President: A bill quite similar to this was defeated by the House of Representatives, by a vote of 147 to 175 on September 18 of last year. I mention this not to suggest that the Senate be guided by the House action, but to make the point that, in addition to the Committee on Foreign Relations, the House has found this bill badly wanting.

Now I should like to return to the point at which we were 2 hours ago. I tried to get the Senator from California, the Senator from Alaska, and the Senator from Washington to answer questions dealing with how we treat other citizens who have suffered damage through violation of law. I could not get them to answer. I assume that no answers were given because they could not be justified.

I wish to repeat now what I said earlier: If we compensate the fisherman, how can we avoid compensating other American nationals whose properties are confiscated by foreign governments? If we compensate the fisherman, how can we deny compensation to American citizens who suffer damage through riots? If we compensate these fishermen, how can we avoid compensating every other American who suffers damage through violence? It cannot be avoided.

In my judgment, this bill is nothing but an indefensible handout of American taxpayers' money. It is indefensible because it is putting the Government into a new role of subsidies. Subsidies will be expanded if the citizens of Detroit who suffered destruction of their property come to the Senator from Michigan and say:

We want you to present a bill that will require the Government of the United States to pay us for the damage which we suffered. You supported a bill to compensate fishermen.

What is there about the fishermen of tuna and shrimp that gives them a position greater than should be occupied by the humble citizen of Detroit whose house was burned down?

The humble citizen of Detroit obviously does not have the power that the fishermen have. And how the fishermen got their power, I do not understand.

Efforts have been made to pass this bill for the past 8 years, but it has been stopped. Suddenly, a strength has developed. Why, I cannot answer. I do know this: that the lobbyist of the fishing in-

dustry came to me and sort of laid down the rule that I had better get in back of this bill, I saw him for 15 minutes. He came back a second and a third time, and I would not see him again.

I repeat: Can this august body, the U.S. Senate, begin approaching problems on the weak basis contained in the environment of this bill? How can the Senate do it? How can the Senate justifiably pick out fishermen and forget everybody else?

Mention has been made of an insurance program passed by Congress in which an American citizen wanting to establish a business in a foreign country buys insurance and pays a premium, and the Government establishes a reserve fund with that premium. If he suffers loss, he is paid for that loss. This bill is professed and claimed to be insurance, but it is nothing of the kind. The bill provides that the Government shall pay two-thirds of the loss suffered by the fisherman when his property is taken from him. He bears one-third of the loss.

In the investment guarantee program, each year the foreign investor must pay a premium, and that premium builds up into a reserve fund to carry it.

Mr. ALLOTT. Mr. President (Mr. PELL in the chair), will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. ALLOTT. Mr. President, I am very much impressed by the arguments of the distinguished Senator from Ohio. But he mentioned a moment ago that the shipowner would pay one-third of the cost. I call his attention to a sentence on page 3 of the bill:

The amount fixed by the Secretary shall be predicated upon at least 33 1/2 per centum of the contribution by the Government.

So there is no limitation of one-third. There is a minimum guideline.

Mr. LAUSCHE. I did not remember that.

Mr. ALLOTT. Actually, it is in excess of the limitation referred to by the Senator.

Mr. LAUSCHE. It is in excess of it. They shall pay at least 33 1/2 percent; yes.

Mr. ALLOTT. While I have interrupted the Senator's discourse, I should like to ask him a question. This does not necessarily reflect the view of the Senator from Colorado; but I have found, in talking with some Senators that for some reason they are able in their own minds to distinguish between fishing vessels which are apprehended on the high seas and those persons who are doing business in foreign countries. It is difficult for me to accept this logic.

I wish to ask the distinguished Senator, who has spent a lifetime as a lawyer, a judge, a governor, and a Senator, not upon his experience as a Senator or governor, but in his experience as a lawyer and judge, whether he can draw any logical distinction between the treatment to be accorded the fishermen in this case and a company, for example, which had its oil wells, or its minerals, or its farm or ranch production, or its bank accounts expropriated in another country.

Can the Senator from Ohio see any valid legal basis, even though it might be a fine one, upon which there could be

a distinction drawn between the ships on the high seas and those expropriations that occur within a country where a company is doing business?

Mr. LAUSCHE. If there is any distinction, the strength of the decision lies with those who go into a foreign country by invitation, and their property is taken from them—for which our Government ought to compensate but does not.

We have no international law fixing international waters. These fishermen know that those governments have made claims of international waters beyond the 12-mile limit. Therefore, I say that their position is different than the position of the American investor who goes into a country by invitation.

Mr. President, the *Pueblo* was seized in North Korea. American men are prisoners in North Korea. Has anybody suggested that they be compensated? Allegedly they were seized in international waters. Are any tears being shed for them? The crying is for the fishermen.

Mr. ALLOTT. I thank the Senator.

Mr. LAUSCHE. Now, Mr. President, I do not know whether this measure can be stopped. Supposedly there is not much involved except principle, and that should bear down on our judgment much more than the money involved.

If this group of Senators is going to take the position that principle means nothing in the running of our Government, God help our Nation.

Mr. President, I say to the Senator from Washington [Mr. MAGNUSON], you may get this bill passed, but I predict that you will suffer remorse after you do it because it is going to plague you in future days. Efforts have been made for 6 or 8 years to get the bill passed. I know that special relief bills were filed. One special relief bill was filed that I blocked 6 years ago; and then, through some subterranean channel, special relief was granted in the sum of \$150,000, which I did not know about.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I do not like to get into an argument with the Senator from Ohio. I have great respect for his viewpoint, and I expect the same respect from him for my viewpoint.

The Senator talks about allocation of principle in the Senate. I think maybe we are going a little bit too far. I have principles. The sponsors of the bill have as much principle as anybody else. If a Senator looks at the bill in a different way than another Senator, that is his opinion and his opinion should be respected. No one has a monopoly on principle in this Chamber.

The principle here is a great deal different than the Senator from Ohio suggested. In the first place, this is a much different situation than the Senator talked about with respect to crime in the streets.

If the Senator wishes to talk about principle, the Senator from Ohio read a part of the State Department report on the bill. I shall read the remainder of the report in which they highly support the bill, because it is a different situation.

When a person goes into a country he knows what the laws are and he abides by the laws. We have always said these

were not the laws of the high seas. That is the difference.

I shall read what the State Department stated in a long letter written to me in September of 1967. The State Department has some principle about it. They state, in one paragraph, as follows:

It may be pointed out that cases here involving fishing vessels are no different, for example, than claims arising out of taking property and other international claims. Such claims have not been paid out of public funds.

The Senator from Ohio did not tell this to the Senate. They further state:

But in this particular case—that of fishing vessels wrongfully seized on the high seas—Congress has passed the act of August 27, 1954, for the purpose of assisting the owners of seized vessels to obtain the prompt release of their vessels and crews. Its goal is to give our fishing fleet some protection in addition to that provided by diplomacy.

The act of August 27, 1954, has been of some assistance to the American fishing industry in maintaining and exercising its rights under international law, despite the harassment of seizures which the United States considers illegal. However, the act is not fully effective in its purpose of obtaining the prompt release of vessel and crew. In order to obtain prompt release, owners of vessels are often required not only to pay a fine, but to purchase a fishing license and a temporary registration and sometimes to pay other fees.

This paragraph also should be read to the Senate:

The Department believes that under the circumstances it would be appropriate to establish a temporary program whereby U.S. fishermen who are willing to share in the costs can be provided some additional assistance while negotiation efforts continue and that such an approach will not undermine the principle against public compensation for private claims against foreign governments.

Accordingly, the Department recommends amendment of the act of August 27, 1954, as provided in S. 2269.

Does that not make a different situation?

Of course it is a different case. There is no one in this body who does not pray that we will get our men back on the *Pueblo*. Of course they will be compensated. They were at war.

Mr. LAUSCHE. They are entitled to it more than fishermen.

Mr. MAGNUSON. Yes; and we are going to do whatever we can. I shall try to do everything I can. But that has nothing to do with the bill whatsoever. The State Department has opposed the bill for a long time. We acceded to the changes they wanted in the 1954 act. They were opposed to the 1954 act at the time. Now, because they admit that they have not been able to do anything with these countries, and they mentioned it in their letter, it would therefore be appropriate for Congress to do it. They suggest that we make it temporary to give them time for another chance to go down and see what they can do.

The best way to settle it would be through diplomatic channels. So we acceded, and placed a time limitation on it. So that this is an entirely different thing. There is nothing in it about principle.

The Senator talks about lobbyists for the fishing industry. I do not know many lobbyists for the fishing industry. There

are some tuna packers who have lobbyists here, but the fishermen are pretty well unrepresented.

They are men who go out in small boats on the high seas and hope to make a living from the harvest of the seas, in fierce competition with other countries. Usually it is a cooperative effort. Most of the time it is a family working together—father and son, with one or two deckhands, and someone who doubles in brass as the cook. Fishermen have not been able to get any particular preference in Washington. As a matter of fact, if I had my way, they would get much more.

The Senators from the State of Washington do not have many tuna fishermen. If we were talking about salmon today I would be much more violent on this subject.

Mr. BARTLETT. Mr. President, will the Senator from Washington yield there?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. Actually, for the benefit of our own States, Washington and Alaska, in principle maybe we should be against the bill because the tuna caught by American fishermen necessarily means less salmon consumed. However, we feel as we do because we have inquired into this matter very carefully and have held hearings in the subcommittee. Thus, we happen to know quite a little bit about it.

Mr. MAGNUSON. This is the only way we know to correct the situation. The Senator says we have been trying to do something for 8 years. That is correct. We have waited and waited and waited. We have acceded, and hoped, but it has not been the fault of the State Department because they tried. Now they find they cannot do anything about it, so that the only way I know is to adopt the Senator's amendment.

The Senator from Michigan mentioned foreign aid in his individual views, that they have been getting away with it and laughing up their sleeves at us about it.

When we go into a country to do business, we know the territorial limits of that country and we know its laws, and we therefore take a calculated risk in anything that we do on foreign soil. But we are of the firm belief, as is the State Department, the Department of the Interior, and everyone I know of involved in this matter, that the territorial limits should not extend to 200 miles. That is why this is different. That is not in the same category at all with someone who goes from one State to another State establishing businesses. He knows that he is subject to the laws of those States.

Mr. MORSE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. MORSE. I want to join the Senator from Washington in the argument he is making, in regard to the fact that the bill is really an aid to the State Department by way of helping it through legislation in a diplomatic posture with certain Latin American countries.

Mr. MAGNUSON. That is exactly what they say.

Mr. MORSE. The Senator points out that such time limitation on it leaves it up to the parties concerned whether they want to negotiate a diplomatic settle-

ment with the United States which the State Department has been urging for some time.

Without naming the country or going into specifics, let me say that I have been in consultation in regard to another matter which is related not too indirectly to this one, where we have some concern about a policy we have been following in making available to some of the Latin American countries certain naval vessels on a loan basis. We have done that. An unfortunate event developed. One of the ships was used to seize an American fishing ship. That created quite a problem, as the Senator from Washington recognizes.

Of course, what some would want to do in regard to this question is, of course, to take back the ship, when what we need to do is, first, to realize that someone in their navy made an unfortunate judgment. It is easy to take an activist position and to strike back by saying, "We reclaim our ship."

But that will not help relations between our country and that country. My position in the consultations which took place was to let the waters calm for a while. Let us wait and see. After all, they have recognized that it was a mistake. The ship they seized was forthwith released but that does not change the fact that there is a strong feeling among some in this country that our rights were violated. They were.

So, what should we do? Should we calm down in this situation, as I am recommending, and try to handle it diplomatically?

Obviously, I think that is what we should do. What we are doing here in the bill, as the Senator from Washington is pointing out, is to come to the assistance of the State Department, in strong support of our diplomatic arm, by going ahead with the bill which provides for an equitable solution to the problem involved, and the loss involved, which I think will be an inducement to the countries concerned to enter at a much earlier date into satisfactory diplomatic arrangements with the United States.

Mr. MAGNUSON. I have no objection to what the Senator from Ohio said. I think maybe we should have some procedures to protect people who go into other countries, say insurance, or something of that kind. That is perfectly all right with me.

But in the meantime, we are faced with this one problem. We have waited and waited and waited. The State Department says, "Look, do this in the interim. We are still trying to do what we can." That is what they have said. They have said it in no uncertain terms. It is not that these people are big corporations or something. Sometimes our fishermen do not make anything but expenses.

If this were some group making large profits, perhaps we should make the contribution 80 percent. But the limit on the bill is \$150,000. That is as far as we can go. That is all.

These incidents have been getting more numerous and frequent as the years go by. If we talk about international principle, if we yield without protesting and doing something, whether directly or indirectly, as we are doing here, in the case of limitation, if each country wants to

claim 200 miles, talk about regretting something, the world will be in chaos.

We would have to ask Morocco permission to go through the Strait of Gibraltar. De Gaulle would claim the English Channel. I do not know why he has not already done it.

We have got to look at this question internationally, frown, but do what we can about it.

We are talking about \$150,000. Perhaps, after the debate on the floor today, those countries may slow up. I hope they will, and we will not have to spend a nickel.

The bill involves decent principles of protecting people who are on the high seas, whether they are there fishing, mining, or pleasure boating. It happens that those countries have been seizing fishermen. It could be one of our merchant marine ships. Those ships are threatened on some occasions. They are asked to pay lighthouse fees and charges of that kind. Some countries have demanded such fees if ships come within 200 miles of their shores. They will continue to do it unless we are adamant. They think they can stop a merchant ship 200 miles from their shores. Many of the ships that go up and down the coast have to come within 200 miles of the shore and they are subject to those restrictions.

Yes, it is an exceptional bill. Those of us who have been working with this problem a long time do not know of any other way to do it, but it is high time that we do something.

#### AMENDMENT

Mr. LAUSCHE. Mr. President, I send to the desk my amendment in the nature of a substitute for the amendment of the Senator from California.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the language proposed to be inserted by the amendment of the Senator from California, it is proposed to insert the following:

SEC. 3. Subsection 820(o) of the Foreign Assistance Act of 1961, as amended, is amended to read as follows: No assistance shall be furnished under this Act to any country which hereafter seizes, or imposes any penalty or sanction against any United States fishing vessel on account of its fishing activities in international waters. Assistance to any such country shall not be resumed until the President determines, and reports his determination to the Speaker of the House and the Senate Committee on Foreign Relations, that assurances have been received from the government of the country involved that such harassment of United States fishing vessels has ceased. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on my amendment. The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, for the benefit of Senators who were not on the floor when I previously discussed the amendment, I wish to give this explanation. The amendment of the Senator from California provides that whenever a foreign government unlawfully seizes an American ship, the granting of foreign aid shall be suspended until the seizing government reimburses the United

States for whatever moneys the U.S. Government had to pay under the provisions of the bill.

My substitute provides that foreign aid shall be absolutely discontinued—not suspended; discontinued—until the seizing foreign government assures the United States that its practice of seizing has stopped and has been ended. Mine is an absolute prohibition. The amendment of the Senator from California provides for a suspension. I think there ought to be an absolute prohibition of the granting of aid to any government that seizes our ships on the high seas.

Mr. KUCHEL. Mr. President, I rise to oppose the substitute. First of all, let the RECORD be clear, the pending bill would expire in 4 years. So it is unnecessary to talk about the policy of the Congress of the United States or the U.S. Government with respect to foreign assistance for more than that period. The amendment which the distinguished Senators from Washington and Alaska and I have offered provides a means for the Department of State to employ diplomacy for 4 months after an offensive, illegal seizure takes place on the open oceans. Thereafter, we provide that the aid shall be suspended unless and until the amounts of money which have been extracted by the offending countries have been returned to the United States.

The Senator from Ohio, in his amendment at the desk, which none of us has seen, because we have no copies of it, provides that aid shall be prohibited—I do not have the exact language—until certain assurances are given. I raise the question: What better assurance could be given than the assurance by the offensive country of returning the fines and the other moneys which it may have extracted when it accomplished the seizure in the first place?

I want to say this, and then I shall be through, and we can vote on the amendment. Something ought to be done. There is no question about that. I congratulate the Senator from Ohio for feeling that something ought to be done. That was not the position he took when I offered an amendment several years ago, on Monday, June 14, 1965, which reads as follows:

No assistance shall be furnished to any country which hereafter extends its jurisdiction for fishing purposes over an area of the high seas beyond that recognized by the United States.

My distinguished friend from Ohio on that occasion voted "no." I congratulate him now on feeling that aid ought to be withheld. I truly believe that our amendment is a better approach than his, and ask that his amendment be defeated.

Mr. BARTLETT. Mr. President, I rise merely to say I agree entirely with the Senator from California, and I express the same hope that the substitute offered by the Senator from Ohio will be defeated and the amendment offered by the Senator from California will be accepted.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Presi-

dent, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the substitute amendment offered by the Senator from Ohio.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. INOUE], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Virginia [Mr. SPONG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Maryland [Mr. TYDINGS], are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], and the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY] are necessarily absent.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Delaware [Mr. BOGGS] is paired with the Senator from Illinois [Mr. DIRKSEN]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 27, nays 50, as follows:

[No. 98 Leg.]

YEAS—27

Allott	Ellender	Jordan, Idaho
Cannon	Fannin	Lausche
Cotton	Griffin	McClellan
Curtis	Hansen	Miller
Dodd	Hickenlooper	Mundt
Dominick	Hollings	Pearson
Eastland	Hruska	Russell

Smathers	Symington	Williams, Del.
Stennis	Thurmond	Young, Ohio

NAYS—50

Alken	Hartke	Moss
Anderson	Hatfield	Murphy
Baker	Hill	Muskie
Bartlett	Holland	Nelson
Bayh	Jackson	Pell
Bible	Javits	Prouty
Brooke	Kuchel	Proxmire
Burdick	Long, La.	Ribicoff
Byrd, W. Va.	Magnuson	Scott
Carlson	Mansfield	Smith
Case	McGee	Sparkman
Church	McGovern	Talmadge
Clark	Metcalf	Tower
Cooper	Mondale	Williams, N.J.
Fong	Monroney	Yarborough
Fulbright	Morse	Young, N. Dak.
Hart	Morton	

NOT VOTING—23

Bennett	Harris	McIntyre
Boggs	Hayden	Montoya
Brewster	Inouye	Pastore
Byrd, Va.	Jordan, N.C.	Percy
Dirksen	Kennedy, Mass.	Randolph
Ervin	Kennedy, N.Y.	Spong
Gore	Long, Mo.	Tydings
Gruening	McCarthy	

So Mr. LAUSCHE's substitute amendment was rejected.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from California.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Virginia [Mr. SPONG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator

from New York [Mr. KENNEDY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], and the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY] are necessarily absent.

If present and voting, the Senator from Delaware [Mr. BOGGS] and the Senator from Illinois [Mr. DIRKSEN] would each vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 69, nays 9, as follows:

[No. 99 Leg.]

YEAS—69

Allott	Hart	Mundt
Anderson	Hartke	Murphy
Baker	Hatfield	Muskie
Bartlett	Hickenlooper	Nelson
Bayh	Hill	Pearson
Bible	Hollings	Pell
Burdick	Hruska	Prouty
Byrd, W. Va.	Inouye	Proxmire
Cannon	Jackson	Ribicoff
Carlson	Jordan, Idaho	Scott
Church	Kuchel	Smathers
Clark	Lausche	Smith
Cotton	Long, La.	Sparkman
Curtis	Magnuson	Stennis
Dodd	McClellan	Symington
Dominick	McGee	Talmadge
Eastland	McGovern	Thurmond
Ellender	Miller	Tower
Fannin	Mondale	Williams, N.J.
Fong	Monroney	Williams, Del.
Griffin	Morse	Yarborough
Hansen	Morton	Young, N. Dak.
Harris	Moss	Young, Ohio

NAYS—9

Alken	Cooper	Javits
Brooke	Fulbright	Mansfield
Case	Holland	Metcalf

NOT VOTING—22

Bennett	Hayden	Pastore
Boggs	Jordan, N.C.	Percy
Brewster	Kennedy, Mass.	Randolph
Byrd, Va.	Kennedy, N.Y.	Russell
Dirksen	Long, Mo.	Spong
Ervin	McCarthy	Tydings
Gore	McIntyre	
Gruening	Montoya	

So Mr. KUCHEL's amendment (No. 678) was agreed to.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BARTLETT. Mr. President, I yield the floor.

AMENDMENT NO. 677

Mr. GRIFFIN. Mr. President, I call up my amendment No. 677 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill insert a new section as follows:

"SEC. 4. (a) The territorial sea of the United States is hereby established as extending three nautical miles from the coastline of the United States: *Provided*, That in the case of any coastal country (including ships and nationals thereof) which claims a territorial sea extending more than three

nautical miles from its coastline, the territorial sea of the United States shall be equal in distance to that claimed by such other country, but not to exceed twelve nautical miles. Any extension of the territorial seabeyond three nautical miles pursuant to this subsection shall not result in any extension of the fisheries zone established pursuant to the Act entitled "An Act to establish contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966 (80 Stat. 908).

"(b) If the President of the United States determines that any portion of the territorial sea as extended by this Act conflicts with the territorial sea of another country he may make such modifications in the seaward boundary of such portion as may be necessary.

"(c) It is the sense of the Congress that the President of the United States consider taking appropriate initiative through his representative at the United Nations, or through other means, to convene an international conference for the purpose of establishing a universally recognized seaward boundary for the territorial seas of all coastal countries."

Mr. GRIFFIN. Mr. President, more than 2 months have elapsed since the *Pueblo* and its crew were seized off the shore of North Korea.

More than 3 years have passed since the *Maddox* and the *Turner Joy* were attacked in the Gulf of Tonkin.

As recently as March 20, 1968, an American-owned tuna boat, the *Taramount*, was seized while navigating 46 miles off the coast of Ecuador.

In each of those cases the issue arose as to whether U.S. vessels had operated in international waters or had penetrated the territorial waters of another nation.

Each of those situations also suggests a fundamental question as to whether the existing policy of the United States regarding our territorial sea makes sense in this last third of the 20th century.

Earlier this year, I introduced Senate Joint Resolution 136, which has been co-sponsored by 31 Senators and 85 Representatives.

The amendment I offer now to the pending bill, S. 2269, would accomplish the objectives set forth in my earlier resolution. In brief, it provides that our traditional 3-mile limit will continue in effect as to those nations which claim a 3-mile limit with respect to their shores.

However, foreign countries which claim and require us to respect a wider jurisdiction with respect to their shores, will henceforth be required to recognize a corresponding territorial limit with respect to our coastline, but not to exceed 12 miles.

The amendment would also express the sense of Congress that the President consider taking necessary steps to convene a new international conference with a view toward establishing a universally recognized seaward boundary.

Mr. President, I believe that the time has come for the United States to adopt a more realistic policy with respect to our territorial sea—a policy based on the principle of mutuality.

It makes no sense to adhere rigidly to a self-imposed limitation which no longer serves our national interests—which no longer accords with international practice.

Of course, it goes without saying that

this amendment will not secure the release of the *Pueblo* and its crew. It will not turn back the clock on the Gulf of Tonkin affair. And it will not necessarily remove all risks to which U.S. naval and commercial ships are being subjected.

However, this measure will make certain that potential enemies shall not enjoy special privileges which are denied by them to our own fleet.

A 1966 survey, updated by the Department of State, indicates that a majority of coastal nations now claim a territorial sea of more than 3 miles.

And yet, Mr. President, the State Department seems to suggest that the 3-mile limit represents international law. If it does represent international law—which it does not—why do we require our ships to remain at least 12 miles off the coastline of such countries as North Korea?

In defense of our 3-mile limit, State Department officials usually contend that any further extension of jurisdiction on our part would threaten freedom of the seas.

But they overlook the fact that while the United States has been holding the line on the 3-mile limit, most of the maritime nations of the world have long since abandoned this as a standard—and insist upon a wider territorial claim.

To pretend that our stubborn, rigid, adherence to the 3-mile limit is presenting a proliferation of seaward claims on the part of other countries is not in keeping with the facts of history. Moreover, the definite trend is toward a 12-mile limit.

The strategy of clinging to the 3-mile limit has failed, both with respect to preserving freedom of the seas and in regard to achieving commonly recognized standards.

It should be recognized that the United States already exercises certain limited rights beyond its 3-mile limit. In 1966, Congress enacted legislation establishing a 12-mile fishing zone. The Coast Guard enforces domestic immigration and customs laws beyond the 3-mile limit.

Of course, those who first formulated our 3-mile-limit policy did not contemplate the modern-day intelligence-gathering technology.

Spy ships represent a new reality which cannot be ignored.

I understand that the Russians maintain over 30 spy ships, known in the trade as AGI's. They are stationed continuously in the vicinity of our Polaris submarine bases. Capable of navigating for up to 40 days without replenishing, AGI's also patrol world trouble spots and tail U.S. naval task forces.

A description of Soviet AGI activity was included in my speech to the Senate on January 31, 1968.

I understand that Soviet AGI trawlers normally operate between 3 and 5 miles from U.S. ports. Such close penetration gives the Soviet ships a decided advantage over American vessels—which are instructed to remain at least 12 miles from the shores of the Soviet Union and of most other Communist countries.

While intelligence ships are mainly engaged in electronic surveillance, the visual and photographic observation of port

activity and amphibious operations is also important. Such observation, of course, is more effective as a ship goes closer and closer to shore.

Mr. President, there is no reason why the United States should continue to hand Communist nations a significant intelligence advantage. Under the present arrangement, the Communists have everything to gain and nothing to lose if we just go on adhering to our self-imposed 3-mile limit. Our unwavering commitment to the 3-mile limit only makes it possible for the Soviets to "have their cake and eat it, too."

The amendment now before the Senate would make it possible for the United States to deal with other countries on a "tit for tat" basis.

Mr. President, there is a myth which should be unmasked; it is the assumption that our 3-mile limit, when first proclaimed in the days of Thomas Jefferson, was intended as a declaration of policy, binding upon future generations.

In truth, when Secretary of State Thomas Jefferson first undertook to communicate our Government's initial views on this subject to France and Great Britain, he took pains to explain that the newly proclaimed 3-mile rule was minimal and tentative in nature.

Diplomatic manuscripts reveal that Jefferson was reluctant to commit the young Nation to the 3-mile limit; in fact, he did so provisionally only because of the outbreak of war between France and Great Britain in 1793, which threatened American neutrality.

Later on, in 1805, John Quincy Adams records in his memoirs that Jefferson, then the President, reserved the right to claim a wider territorial limit whenever new conditions might warrant it.

Interestingly, there is no law on our statute books which explicitly proclaims the breadth of our territorial sea. Rather, the present policy is based only on custom and tradition.

Mr. President, the origins of the American 3-mile limit are rooted in the political expediency and diplomatic liturgy of a previous age.

The time has come to adopt a new approach consistent with the facts and realities of a new age.

The time has come to shed old myths, and to pursue a new course. I believe that a new policy predicated upon mutuality would encourage the negotiation and acceptance of a uniform standard with respect to territorial waters.

I believe the policy indicated in my amendment would provide the impetus, the incentive which could lead to meaningful agreements, not only as to seaward boundaries but also as to the right of innocent passage through international straits, legitimate American rights, and toward the establishment of a more meaningful international law of the sea.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I think this proposal has a great deal of merit. It is a matter in which the Committee on Foreign Relations is deeply interested.

I recall that a number of years ago

we made a very strong effort to reach agreement among all principal nations and that we came within one vote of achieving agreement on provisions with regard to the territorial seas. But we failed.

The Senator's resolution has been submitted to the department for comment. It is possible that another conference may be called which would be the proper way to solve the problem the Senator is talking about and the problem posed by the bill now before the Senate. I strongly favor an approach through an international conference. It is the regular approach. I think the Senator's proposal has much merit, although I have not had an opportunity to study it closely. I hope that he will not press unilateral action in the Senate while there are still prospects for reaching an international agreement. To be effective we have to get an agreement among the maritime nations on this subject. It is getting more and more complicated, as the Senator rightly points out.

Mr. GRIFFIN. I appreciate very much the comments of the distinguished chairman of the Foreign Relations Committee. Let me respond by saying that I quite agree it is most desirable for the nations of the world to reach an agreement on a universally recognized limit. However, the fact is that several conferences have been held and they have failed. In the meantime, there is, in effect, no international law.

I quite agree that the State Department has a very deep interest and concern in this matter. However, I should like to suggest that the Senate, and particularly the Committee on Foreign Relations, should also have a deep interest in this subject. I would hope that the committee would not merely await some action on the part of the State Department. I should like to suggest and urge that the Committee on Foreign Relations, should undertake to reexamine and reevaluate the existing policy of the United States, which has been in effect so long and which now is of questionable validity.

I wonder whether the distinguished chairman of the committee could give the junior Senator from Michigan any assurance that the Committee on Foreign Relations will look into this policy question and examine it.

Mr. FULBRIGHT. Yes. I will say that the committee is in the process of doing so. I have a response from the general counsel of the Department of Defense in a letter of April 2, 1968. The committee is looking into it. Both the Department of State and the Department of Defense are very interested in this problem because it involves matters of great importance. There are some 100 international waterways, more or less. One of the most critical straits recently played a part in the controversy in the Middle East, as the Senator knows.

This matter has to be straightened out. The committee is interested in finding a solution, as I have said. If the Senator has not seen the letter from the Department of Defense, he is perfectly welcome to read it. They are pushing to

try to get a settlement. I can assure the Senator that the Committee on Foreign Relations will follow through and keep after the departments to try to work it out. The conference I mentioned a moment ago, which came within one vote of reaching agreement, was only about 7 or 8 years ago. In the intervening time, we have had the war in Vietnam and other things which have distracted us and made it almost impossible to make any headway in a conference of that kind.

Mr. GRIFFIN. If the chairman of the committee and other members of his committee would carefully examine the resolution which I have introduced, and if there were hearings held on the resolution and other related proposals, I believe they would come to the same conclusion that I have; namely, that the resolution in no way interferes with the effort underway to achieve an international agreement.

In fact, it is my firm opinion that the adoption of such a resolution would encourage, stimulate, and help us to achieve such an agreement. I am hoping that the committee will do more than just communicate with the State Department, that perhaps some hearings will be held on the subject, hearings which would at least include consideration of the resolution which I have introduced.

Mr. FULBRIGHT. I can convey to the Senator, I believe, without any reservation whatever, that we will have hearings on the resolution and we will consider what he has said. I must say that the departments do not believe that the exception here in which we seem to get an abandonment of a multilateral approach to get general agreement, but only the unilateral—in other words, it is just between us and any one country with which we are able to make an agreement—they believe would mitigate against an agreement. I have no basis on which I can prove that.

Mr. GRIFFIN. I am aware of the position which they are taking but I believe it is subject to challenge and argument. I would hope that the committee would examine the arguments on both sides and try to help in arriving at a judgment.

Mr. FULBRIGHT. I can assure the Senator that we will do that.

Mr. GRIFFIN. I appreciate those assurances from the chairman.

Mr. LONG of Louisiana. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I am happy to yield to the distinguished majority whip.

Mr. LONG of Louisiana. Mr. President, I am glad the Senator from Michigan raised that issue. I attended the conference which missed agreement by only one vote. Frankly, having had the opportunity to observe those negotiations, I am convinced that any nation on this earth that wants to maintain that its territorial limit is 12 miles can do so and make it stick—and as a matter of fact, has actually done so.

Does the Senator from Michigan have in his list what the Communist powers claim as their territorial limits?

Mr. GRIFFIN. Yes, and with few ex-

ceptions it is a 12-mile limit which we scrupulously respect.

Mr. LONG of Louisiana. That is the amusing thing about it. The United States proposed to say that we do not recognize their 3-mile limit. Well, I notice that we claim the *Pueblo* was more than 12 miles away from North Korea, the nearest island nearest the land in North Korea when the *Pueblo* was taken. While we say we do not recognize it, we actually do. We do not dare go even that close.

Furthermore, Mexico adjoins us. Does the Senator know what Mexico claims, and what we have recognized and respect?

Mr. GRIFFIN. I am not sure. I have it in some material here. I believe it is about 9 miles.

Mr. LONG of Louisiana. My recollection is, the last time I looked, it was three leagues, which is about 10½ miles. Perhaps it is 12 miles now. However, I believe they have done so on the other side, as well.

Does the Senator know what Canada claims? We have to contend with Canada in fishing rights.

Mr. GRIFFIN. I have a list of the coastal nations and their claims as to territorial waters which I will insert in the Record at the conclusion of my remarks.

Mr. LONG of Louisiana. Well, the point is—

Mr. GRIFFIN. A majority of nations are claiming and enforcing a territorial limit in excess of 3 miles; in many cases the claim is 6 miles; and the largest number of countries claim 12 miles. Some Latin American countries, as has already been stated, claim 200 miles.

Mr. LONG of Louisiana. We have had fishermen arrested time and again 10 or 12 miles off Mexico. Our State Department takes a considerable period of time to get the men released. If they do get them released it always seems to take time. We make the request that they please release the seamen. Eventually, they let the seamen out of jail when damages or compensation have been paid, because, to all intents and purposes, we recognize that Mexico has a boundary beyond the 3-mile limit—at least 3 leagues—10½ miles or more.

I believe we will find that Cuba claims at least approximately 12 miles. Any country that wants to claim 12 miles simply arrests our fishermen and our seamen, and then we seek to get them released. The basis upon which we seek to get them released is that they have violated the territorial integrity of a foreign country. We have to recognize that in order to get them released peacefully.

It was the United States which sought to maintain the 3-mile limit—the United States and Israel. We have sought to maintain that 3-mile limit and use all our influence and every bit of pressure we could bring to bear upon other countries to stay with the 3-mile limit. Does the Senator know why we were doing that?

Mr. GRIFFIN. I should like to hear the views of the Senator from Louisiana.

Mr. LONG of Louisiana. The reason is

our Navy. It wants to be in a position to bring its ships up as close as possible, to make a show of strength, or in order to collect information, such as the *Pueblo* was trying to do. The Navy wants as much sea as it can obtain to operate efficiently. Of course, today, Russia is becoming a real challenger.

The one who is in a position to be a great maritime power, with a great fighting fleet on the ocean, naturally feels that the area closest to someone else's shore is more important than being farther out, and the closer the navy can move up there with immunity, the better it is for that nation. The smaller countries do not feel that way, because they are on the opposite side of the coin, and they feel it is better for them if those navies stay away. Israel feels differently because of the Gulf of Aqaba. They do not want the Arabs to close that gulf to them, because it is important to Israel. All the Arab nations want to go beyond the 3-mile limit so they can close the Gulf of Aqaba.

There is no question that any country that wants to claim 12 miles can make it stick. They can seize our ships and seamen and can make us respect it, just as Korea made us respect it. Moscow can make us respect it, and so can anybody else. Indeed, the American proposal to that conference was that there would be a 12-mile limit, but they turned us down. We could not get the two-thirds majority.

So it is really very unfair to American fishermen to continue to argue the Navy's position, which we cannot sell to anybody. Everybody claims 12 miles and we let them fish between 9 and 12 miles and let them own everything out there. On the other hand, the United States tries to stick to the 3-mile limit, but everybody else claims 12 miles, claims under international law—

Mr. GRIFFIN. Mr. President, in view of the experience of the Senator from Louisiana in relation to this subject, and his attendance at the conference, would he agree that the resolution which I have introduced, and which 31 Senators have cosponsored, should be seriously considered by the Foreign Relations Committee?

Mr. LONG of Louisiana. I think so. It was once my honor to serve on that great committee. I believe it is an outrage to American fishermen that we do not claim 12 miles, at least for fishing, because the others do and make it stick.

Mr. GRIFFIN. The United States has established a 12-mile zone for purposes of fishing. That was done by statute in 1966.

Mr. BARTLETT. Mr. President—

Mr. GRIFFIN. Does the Senator from Alaska wish me to yield to him?

Mr. BARTLETT. Yes. I merely want to say that I agree with the Senator from Michigan that the time has come not only to extend our claim to the limit of territorial seas, but to do it.

For the sake of the RECORD and for the benefit of those who may read the RECORD, I ask unanimous consent to have incorporated at this point in the RECORD a letter dated April 2, 1968, to Chairman FULBRIGHT from the acting general coun-

sel of the Department of Defense. I think that will give us some understanding of the problem.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,

Washington, D.C., April 2, 1968.

HON. J. WILLIAM FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
Washington, D.C.

DEAR MR. CHAIRMAN: It has come to the attention of the Department of Defense that the substance of Senate Joint Resolution 136 may be considered on the floor of the Senate in the near future in connection with S. 2269. The Department of Defense subscribes in full to the comments of the Department of State in its letter of March 29, 1968, to the Chairman of the Committee on Foreign Relations. We want, however, to take this opportunity to emphasize the adverse effect that passage of a Resolution of this type would have on the overall security interests of the United States.

Section 1 of the Resolution establishes the territorial sea of the United States at three miles, but further provides for application of the principle of mutuality with respect to those countries claiming a territorial sea in excess of three miles, except that in no case shall the territorial sea of the United States be in excess of twelve miles. Section 2 provides authority for the President to resolve resulting conflicts with the territorial seas of other countries.

There can be no doubt that United States assertion unilaterally of a territorial sea broader than three miles, even if based on mutuality, would be considered by the international community as an implicit recognition of unilateral claims by other countries to more than three miles of territorial sea.

Adoption of a twelve-mile territorial sea would bring over 100 straits and narrows under the sovereignty of coastal states. There is at present no generally accepted right of military aircraft to overfly (even in innocent passage) waters which comprise territorial seas, even when they include international straits.

While the right of innocent passage of vessels through international straits may not be suspended, there are disputes regarding the application of this right to warships and regarding the application of the criteria for identifying international straits. Moreover, once a twelve-mile territorial sea is conceded, differences in interpretation of the right of innocent passage become extremely critical. For example, some states have claimed a unilateral right to determine what kinds of passage are innocent even when, by objective standards, passage is clearly not prejudicial to peace, good order, or security within the coastal state or its territorial sea. Straits comprised of territorial seas by a twelve-mile rule could then be closed to transit by possibly capricious interpretations of the right of innocent passage.

Many states which claim limits wider than three miles, particularly those with 200-mile claims, advance the dangerous proposition that every state can unilaterally determine the seaward extent of its territorial sea. Any unilateral extension of the territorial sea by the United States, however circumscribed, could be relied upon to support this argument and effectively defeat any international attempt to introduce uniformity into the breadth of the territorial sea.

It is our view that exaggerated territorial sea claims have arisen not from genuine security concerns but largely as a result of a desire to prevent foreign states from depleting the economic resources of coastal waters. It is doubtful that the proliferation of such claims can be prevented in the absence of some accommodation of the economic inter-

ests of coastal states. This could only be accomplished through international agreement. A unilateral action by the United States could well jeopardize any attempts in this area as well.

As the world's leading maritime state, the United States has a major interest in achieving universal agreement on the breadth of the territorial sea in a manner which preserves vital navigational rights. Passage of this Resolution seems likely to carry us further away from that goal and indeed would not provide us with even minimal assurances regarding transit of straits by warships and military aircraft.

The fact that foreign countries may conduct passive intelligence activities up to three miles from our shores does not justify any departure from the three-mile claim which the United States has consistently maintained since 1793. As discussed above, any unilateral departure at this time from our historic claim could involve fundamental and far-reaching consequences adversely affecting security and commercial interests of the United States.

Accordingly, the Department of Defense must oppose the unilateral extension of the territorial sea on the basis of mutuality as provided in section 1 of the Resolution. The Department of Defense joins the Department of State in not opposing section 3 of the Resolution regarding an international conference to fix the breadth of the territorial sea, believing that this is the most desirable means for achieving a satisfactory solution of the problem. Such a conference, however, could only take place after careful, painstaking preparation and its projected results would have to be in accord with the vital security interests discussed in this letter.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of his report for the consideration of the Committee.

Sincerely,

L. NIEDERLEHNER,  
Acting General Counsel.

Mr. GRIFFIN. I thank the Senator for his contribution.

Mr. BARTLETT. I want to say one more thing. This is not authoritative, but my understanding is that our Government is moving much faster than ever before toward instigating an international conference dealing with this very subject. I think we will take the lead in doing so. I do not doubt at all that this is partly because the Senator from Michigan offered the resolution to which reference has been made.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MAGNUSON. As I recall the last Geneva Conference on the subject, they did not adjourn the Conference sine die, but under their procedures they can reconvene. At that time, we tried to do what the Senator from Michigan is suggesting. We lost by one vote. I hope they will read about this downtown and give serious consideration to it.

Mr. GRIFFIN. I appreciate the contribution of the Senator from Washington.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which indicates the territorial seas and the fishing limits of the countries shown.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:



this is a very complex subject and, in some respects, a delicate matter. I have no desire to force hasty action on such a fundamental question.

I quite understand and agree that this is the kind of a matter which should be thoroughly considered by the appropriate committee of Congress. I trust that it will be. In view of the assurances of the chairman of the Senate Foreign Relations Committee that this matter will be considered, and that such consideration will include the resolution which I have introduced, I ask unanimous consent that my amendment may be withdrawn.

**The PRESIDING OFFICER.** The Senator from Michigan does not need unanimous consent. He can merely withdraw his amendment.

**Mr. GRIFFIN.** I withdraw my amendment.

**Mr. TOWER.** Mr. President, I support S. 2269 and urge that the Senate give quick approval to the measure. The bill is designed to reimburse U.S. fishing vessel owners for equipment that is seized by foreign countries in waters which are recognized by the United States to be international. Some countries today claim that their national boundaries extend out some 200 miles from their shore and prohibit fishing within this area by American fishermen. The United States, on the other hand, recognizes a 3-mile limit and does not prohibit the vessels of any other nation from fishing outside of this 3-mile limit.

The great inequities incurred by these boundaries of 200 miles, which are not officially recognized by the United States, result in the loss to American fishermen of some of the richest fishing grounds in the world. When American vessels enter into these restricted areas, which we contend are international waters, they are generally confiscated and the owners heavily fined by the nations claiming these exaggerated borders, resulting in great loss to the owners and operators alike. Yet, if these boundaries were recognized and observed, the fishing industry would perforce go into a great decline.

This measure would have the effect of providing compensation to documented and certified fishermen whose vessels and catch are so seized. For this reason we must favorably consider this legislation. This amendment, however, is no substitute for the longstanding policy of the United States of freedom of the seas which we must vigorously pursue. Nevertheless, it does give temporary relief to the tuna and shrimp industries which are so adversely affected. Without this measure, these two important industries are in grave danger.

I am pleased, therefore, to vote for this measure.

**S. 2269 HELPS PROTECT THE TEXAS FISHING INDUSTRY**

**Mr. YARBOROUGH.** Mr. President, this legislation to provide additional protection to owners of private fishing vessels seized by foreign countries will be of great benefit to the fishing industry of my home State of Texas, as well as to the Nation.

In my first year as a U.S. Senator, more than 10 years ago, I made an ex-

tensive effort to bring about more reasonable treatment for Texas shrimp boats fishing near the Mexican coast. I was privileged to chair my first field hearings for the U.S. Senate, held in Brownsville, Tex., and held conferences in Mexico City aimed at reducing interference with the Texas shrimp fleet. I feel this protection provided in this bill is essential for the security and growth of our fishing industry, especially the shrimp boat operators.

To illustrate the concern and interest of the Texas Shrimp Association, both the President, Mr. Jim Jackson, and the executive director, Mr. O. M. Longnecker, Jr., have been in contact with me by telegram in support of this legislation.

I feel this partnership affair with the domestic industry and the Government is warranted and should be enacted by this body.

**Mr. LAUSCHE.** Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

**The PRESIDING OFFICER.** If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

**Mr. FULBRIGHT.** Mr. President, I only wish to make a very brief statement. The matter was considered in the Committee on Foreign Relations. I spoke earlier of why I think the precedent set by this what I consider special legislation is not good. I do not wish to reiterate that statement.

I ask unanimous consent that the report of the Committee on Foreign Relations be inserted in the RECORD as a part of my remarks.

**Mr. MAGNUSON.** Mr. President, I ask unanimous consent that following the printing of the report of the Committee on Foreign Relations, the report of the Committee on Commerce be inserted in the RECORD.

**Mr. HOLLAND.** Mr. President, I raise the point of order that neither of these requests is in order.

**The PRESIDING OFFICER.** The point is well taken, but excerpts can be printed.

**Mr. FULBRIGHT.** Mr. President, I ask unanimous consent that excerpts from the report may be printed in the RECORD at this point.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

**PURPOSE OF THE BILL**

The bill would amend the act of August 27, 1954 (68 Stat. 883), commonly known as the Fishermen's Protective Act. That act provides that the United States will reimburse the owner of a private vessel for fines paid in order to secure the vessel's prompt release when it is seized by a foreign country while operating in territorial waters or on the high seas claimed by that country but not recognized by the United States. This bill would amend that act as follows:

1. It would broaden the scope of reimbursement to include license fees, registration fees, and other direct charges in addition to fines.

2. It would authorize establishment of a guaranty program, administered by the Secretary of the Interior, to reimburse fishing vessel owners for certain specified losses suf-

fered as a result of the seizure and detention of their vessel while operating in disputed international waters, including (a) damage or destruction of the vessel and its gear, (b) market value of the fish spoiled or confiscated, and (c) up to 50 percent of the estimated gross income lost as a result of the seizure.

3. The guaranty program would be financed through a fee system and appropriated funds. The fee to be paid by the vessel owner would be fixed to cover administrative costs and "a reasonable portion" of the reimbursements for losses. Vessel owners would be required to pay in fees at least one-third the costs of the program.

4. An appropriation of \$150,000 annually is authorized for the guaranty program, and the life of the program is limited to 4 years.

**COMMITTEE ACTION**

S. 2269 was referred to the Committee on Foreign Relations by unanimous consent on November 30, with instructions to report back to the Senate by December 11, 1967. The Committee on Commerce had original jurisdiction over the bill.

The Committee on Foreign Relations held a hearing, in executive session, on the bill on December 7 and heard testimony from the following representatives of the executive branch: Mr. Donald L. McKernan, Special Assistant for Fisheries and Wildlife to the Secretary of State, and Mr. Carl F. Salans, Deputy Legal Adviser, Department of State. On December 8 the committee considered the bill further in executive session and by a vote of 13 to 5 decided to recommend to the Senate that the bill not be passed.

**BACKGROUND**

Seven countries in Latin America (Argentina, Chile, Ecuador, El Salvador, Nicaragua, Panama, and Peru) claim fishing rights or territorial jurisdiction of 200 miles to sea. At least three other countries, Costa Rica, Colombia, and Uruguay, are considering similar jurisdictional claims. The United States, by statute (Public Law 89-658), claims a 12-mile limit for fishing purposes. It does not recognize the legality for jurisdictional claims beyond 12 miles of other countries, in the absence of international agreement to the contrary. For a number of years, American fishing vessels have been harassed while fishing on the high seas adjacent to Latin American countries, particularly by Ecuador and Peru. According to the Department of State, in 1967 there have been nine seizures of tuna boats on the high seas by Ecuador and two by Peru. Sporadic efforts have been made to reach a diplomatic solution to the problem, thus far without any permanent success.

In 1965 Congress amended the Foreign Assistance Act to require that consideration be given to cutting off foreign assistance to any country which seized or imposed penalties on our fishing vessels while operating in international waters. But this provision has never been invoked. On December 1, 1967, the Senate passed H.R. 6167, which contained an amendment added by the Committee on Foreign Relations, to insure that U.S. warships on loan to foreign countries, whose loan would be extended by that bill, would be reclaimed if the borrowing country harassed our fishing vessels while in international waters. The committee added this restriction in order to insure that U.S.-owned warships on loan to foreign countries do not contribute, directly or indirectly, to the capacity of any country to harass our fishing vessels while they are engaged in operations which the U.S. Government considers to be legal under international law.

**COMMITTEE VIEWS**

The Committee on Foreign Relations is well aware of the difficulties American fishing vessels have encountered while operating in South American waters and the committee believes that the rights these vessels as-

sert should be supported vigorously by the full diplomatic resources of our Government. But, two important principles are involved here which caused the committee to reject this bill—preference and precedent.

The committee does not believe that fishing vessel owners should be singled out for preferential treatment from other Americans who suffer losses at the hands of a foreign government while they are engaged in activities which our Government considers to be lawful. To do so would discriminate against many other Americans with claims against foreign governments and create a precedent which would indirectly obligate the Congress to provide similar treatment for compensation of other claimants against foreign governments. The rights of U.S. citizens to engage in activities abroad, which are lawful in the eyes of our Government, should not be divided into preferential and nonpreferential categories. This bill would have the Congress approve assumption of public responsibility for only one category of losses, thus making rights of fishing vessels owners entitled to more Government protection than the rights of other claimants. It is one thing for the Congress to pass legislation to indemnify all citizens for valid claims against a foreign government, due to its violation of a law or treaty, but it is quite another for the Congress to single out one group of claimants for reimbursement at public expense, as this bill seeks to do.

The issue which concerned the committee was stressed in the General Accounting Office's comments to the Committee on Commerce on S. 2269. In a letter to Senator Magnuson, chairman of the committee, dated October 30, 1967, Frank H. Weitzel, Assistant Comptroller General, stated:

"While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement or an insurance program, from the Government for the value of properties that are seized by foreign countries in violation of treaties or international law (S. Rept. 815, 90th Cong., first sess., p. 11)."

The letter report on S. 2269 from the Department of State also recognized the preferential nature of this bill. Assistant Secretary of State William B. Macomber, Jr., stated in a September 6, 1967, letter to Senator Magnuson:

As a matter of principle, the items for which this bill would provide compensation out of public funds are in reality claims against foreign governments. They are but one type of a countless variety of claims by U.S. citizens against foreign governments throughout the world. All such claims are based on conduct of the foreign government claimed by the Government of the United States to have been improper or illegal under international law. It may be pointed out that cases here involving fishing vessels are no different, for example, than claims arising out of taking property and other international claims. Such claims have not been paid out of public funds. (S. Rept. 815, 90th Cong., first sess., p. 9.)

But the Department of State letter then brushes this problem aside by saying that the Congress created a precedent in passing the 1954 act which authorizes assistance, including reimbursements for fines paid, to fishermen whose vessels are seized. As a second mitigating factor, Mr. McKernan, in testimony before the Committee on Foreign Relations, repeated the point that the Department recognized the preferential character of the bill but then said:

"In order to avoid setting an undesirable precedent in this regard, the proposed legislation provides that the fishing vessel owners \* \* \* will pay to the Government fees adequate to cover the cost of administering the guarantee program and equal to at least one-third of the Government's contribution."

The committee does not believe that the 1954 statute, providing for reimbursement of fines paid by vessel owners, should be considered in any way a precedent for making good, at public expense, general losses suffered by fishermen as a result of their seizure or detention. Payment by fishermen of one-third the cost of the indemnity program does not make this any less a preferential device to aid one category of claimants.

The program carries a built-in, mandatory subsidy with the Government required to pay up to two-thirds the total cost. If the program were to be completely self-supporting, the argument for special treatment would be more plausible, but losses under the indemnity program will be indemnified primarily out of public funds, not from owner fees. The mere fact that there will be some small degree of private financing does not remedy the basic defects of preference and precedent.

The committee has noted that there is no authority to reimburse fines paid to U.S. individuals arrested or detained by a foreign government while they were acting in accordance with what the United States considered to be their rights under international law. As a matter of public policy it is hard to justify reimbursement with public funds of commercial losses—the fines paid to get vessels released—without according similar treatment to U.S. citizens who are wrongfully imprisoned abroad. But such is the case under existing law. To expand the principle of public responsibility, incorporated in the 1954 statute, to cover general commercial losses incurred in the process of asserting rights under international law does further violence to the concept that all citizens should receive equal protection from their government of their rights.

Although the circumstances concerning the losses being suffered by tuna boat owners are somewhat unique, they are not so unique that the passage of this bill would not create precedents likely to plague the Congress in years ahead. The solution proposed in the bill does not provide the Congress with any reasonable guidelines in trying to meet similar demands in the future from U.S. citizens with claims against foreign countries.

A precedent could also be created for some degree of mandatory government subsidization of the investment guaranty program, where the basic authority is silent on the question of whether or not the program is to be self-supporting. It is highly unlikely that the Congress would continue the investment guaranty program, in the light of our current balance-of-payments problems and other considerations, if the Foreign Assistance Act required, as a matter of law, a high degree of Government subsidization of losses incurred by investors, as does the guaranty program to be authorized by S. 2269.

The point has been made that this is to be a temporary program of only 4 years, pending the conclusion of a satisfactory agreement on the problem through negotiations. The dispute over fishing rights in South American waters has existed for some 15 years. Negotiations seeking a solution were underway in 1954 when Congress passed the law which is being invoked as a precedent for special treatment for fishermen, and for passage of this bill. Temporary programs under our system have a habit of becoming quite permanent and the committee has serious doubts that it would be possible to rescind the authority for special preferences for fishermen even after a reasonable solution had been reached.

#### CONCLUSION

In what cases, if any, is the public interest served by Government subsidization of losses incurred by U.S. citizens in asserting their rights, under international law, against a foreign government? That is the basic issue posed by this bill. The committee believes that consideration of indemnification

for fishing vessel owners should be considered by Congress in this larger context, and not as an isolated problem as assumed in this bill. This general problem should be given further study within the executive branch.

The committee is sympathetic to the problems faced by operators of fishing vessels who seek to exercise rights supported by the U.S. Government. But the committee is not persuaded that claims arising from exercise of these rights are any more deserving of support through public funds than the many other types of claims against foreign governments arising out of violations of treaties or international law. To single out losses of fishermen for reimbursement at public expense would put the Government in the position of singling out one class of claims for special treatment, thus making the protection of fishing rights a greater public good than the protection of other rights of American citizens, which are being infringed constantly by foreign governments.

The committee does not have a simple solution to this highly emotional problem. It can only urge that new and more vigorous efforts be made to reach a workable agreement through all diplomatic channels available. Witnesses from the executive branch told the committee that a conference on the problem with Chile, Ecuador, and Peru may be held sometime in early 1968. The committee expects that every effort will be made to bring about such a conference. The committee also expects that any approach for considering this problem within the Organization of American States, the United Nations, or the International Court of Justice will be pursued.

Mr. MAGNUSON. I also ask that excerpts from the reports to which I referred be printed in the RECORD.

There being no objection, excerpts from the reports were ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE BILL

This bill is an amendment to the act of August 27, 1954, commonly known as the Fishermen's Protective Act, which now provides that in cases where a private vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and when there is no dispute of material facts as to the location or activity of such vessel at the time of seizure, fines paid in order to secure the prompt release of the vessel shall be reimbursed by the Secretary of the Treasury upon certification of the Secretary of State.

S. 2269 would provide as follows:

1. For all U.S. vessels, it would broaden the scope of reimbursement to be made by the Secretary of the Treasury—upon certification by the Secretary of State—to include license fees, registration fees, and any other direct charges in addition to fines.

2. For U.S. commercial fishing vessels, it would add a new section which would empower the Secretary of the Interior to enter into agreements with vessel owners to guarantee payment to the owners of certain actual costs resulting from seizure and detention of a vessel, including damage, destruction, loss, or confiscation of the vessel, its fishing gear or other equipment, dockage and utility fees, payment to the owner and crew of the market value of fish confiscated or spoiled during the detention of the vessel, and payment to owners and crew of up to 50 percent of the estimated gross income lost as a result of the seizure or detention. The Secretary of the Interior would be authorized to establish fees to be paid by vessel owners entering into such agreements, the fees to be adequate to cover the cost of administration of the guarantee system and

a reasonable portion of payments under this system. The amount fixed by the Secretary shall be predicated upon at least 33 1/2 percent of the contribution by the Government. The establishment of the guarantee system would be limited to 4 years beginning 180 days after enactment.

GENERAL STATEMENT

Your committee heard a number of witnesses on S. 2269, both Government and industry, and there is apparent unanimity as to need for such legislative amendments as outlined.

As Mr. Crowther, Director of the Bureau of Commercial Fisheries, Department of Interior, testified:

"We have consistently encouraged the U.S. commercial fishing industry to increase rapidly their exploitation of the fishery resources of the high seas; that is, beyond the territorial waters of foreign countries. In addition, the United States has constantly, over the years, asserted the doctrine of the freedom of the seas.

"Despite this policy, American fishing vessels continue to be harassed and unlawfully seized and detained while conducting fishing operations on the high seas. The illegal seizure and unlawful detention of U.S. fishing vessels is the result of certain nations extending their jurisdiction over extreme distances from their coasts, to as much as 200 miles, far beyond internationally accepted limits \* \* \*

Testimony before your committee has revealed that many of these countries not only assert fishery jurisdiction in these areas upwards of 200 miles, but claim complete sovereignty. In effect, then, the American fishing vessels are defending the U.S. policy of freedom of the seas, beyond the question of fishery jurisdiction. Despite the usefulness of the act of 1954, they are doing so at great individual loss, as the reimbursement of fines is often only a part of the cost involved in a vessel seizure.

Mr. August Felando, general manager of the American Tunaboat Association of San Diego, Calif., appeared before your committee. His organization represents some 25,000 tons of the total American carrying capacity of 38,000 tons in the tuna fleet.

Mr. Felando, in his statement, was careful to note that S. 2269 clearly provides that each claimant must prove that the U.S. rights with respect to freedom of navigation or freedom of fishing has been violated, as provided in section 2 (a) and (b) of the bill.

In his testimony, Mr. Felando cited a letter from Mr. Leonard C. Meeker, Legal Adviser of the U.S. Department of State, dated November 4, 1966, responding to questions arising from the present act of 1954. Mr. Meeker stated:

"Secretary Rusk has asked me to reply to your letter of October 10, 1966, in which you inquire in substance whether the Department would regard the provisions of 22 U.S.C. 1971-76 henceforth as applicable to the seizure of a vessel fishing within 12 miles of the coast of a country claiming a 12-mile territorial sea.

"By its terms the statute applies only in the case of a vessel seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States \* \* \*. As you are aware, the United States now claims a contiguous fisheries zone extending 9 miles beyond the 3-mile territorial sea. The question is thus whether the United States is prepared to regard as illegal a seizure made by another country where the U.S. Government would take similar action in parallel circumstances.

"In view of the foregoing, it is the opinion of the Department of State that the provisions of 22 U.S.C. 1971-76 would not apply to a case in which a U.S. vessel had been seized while fishing within 12 miles of the

coast of a country claiming a 12-mile territorial sea."

Your committee feels that the reimbursement provided in S. 2269 is equitable as it reduces the economic burden placed now upon the vessel owners, a burden that would not have come about if U.S. vessels were free from wrongful seizure on the high seas.

While diplomatic activities continue—particularly with South American countries—to resolve the present differences of opinion regarding the extent of fishery harvest, the most effective means of asserting the doctrine of freedom of the seas by the United States is to insure that U.S. fishing vessels actively participate in this harvest.

S. 2269 does not provide for total reimbursement of seizure and detention cost to U.S. fishermen. Rather, it establishes a plan for the Government and vessel owner to jointly finance an insurance program to reasonably reduce the present losses to vessels in the said areas now subject to wrongful seizure.

The problems associated with fishing off foreign coasts by U.S.-flag fishing vessels is not confined to the American tuna fleet.

William R. Neblett, executive director of the National Shrimp Congress, Inc., Key West, Fla., also appeared before your committee at hearings in support of S. 2269. The National Shrimp Congress, Inc., represents about 70 percent of the domestic shrimp industry, which is No. 1 in dollar value to the U.S. fisheries.

Mr. Neblett testified, in part: " \* \* \* We believe this is a fair piece of legislation as proposed. It is a partnership affair in which the domestic industry shares, as it is not one of the giveaway programs to which some of the public might be opposed.

"With regard to the specific legislation that is proposed here with respect to S. 2269, to provide additional protection for owners of private fishing vessels seized by foreign countries, the shrimp industry of the United States is very definitely in favor and urges the passage of this legislation. \* \* \*

PERIL OF LIFE ON THE HIGH SEAS

U.S.-flag fishing vessels—particularly those operating for tuna off South America—have additional factors of concern beyond reimbursements as provided in the Fishermen's Protective Act of 1954 and the proposals outlined in S. 2269.

Perhaps the best example presented in hearings before your committee was that of the tuna vessel *Mayflower*, which occurred on December 6, 1965. In this instance a Peruvian naval vessel intercepted and attempted to seize the vessel at a point some 75 miles off the coast of Peru. This matter was thoroughly investigated by the U.S. Coast Guard and your committee is satisfied as to the authenticity of the report. Actual photographs indicate the damaging and converting by the Peruvian Navy of an outboard vessel used by the *Mayflower* in her fishing operation. The photographs also showed the Peruvian naval officer armed with a shotgun just after spraying the bridge and pilot house of the American tuna vessel *Mayflower*. Fortunately, the master and navigator, the only members of the 13-man crew aboard who were hit, suffered only slight wounds from the shotgun pellets.

SUMMARY

These do not appear to your committee to be isolated or rare instances. Indeed, testimony at hearings indicates that between the period January 1961, through September 1967, more than 50 percent of the U.S. tuna fleet has been involved in either seizures, harassments, or unfortunate incidents.

Your committee does not feel that this is the ultimate answer to the problems faced by U.S.-flag fishing vessels off foreign coasts. The bill calls for a 4-year program. It will, however, assist these fleets in their defense

of U.S. high-seas policy in the hope that the problems may be resolved more equitably and satisfactorily in the time allowed.

PURPOSE OF AMENDMENTS TO S. 2269

There are two amendments to S. 2269. The first one: "The amount fixed by the Secretary shall be predicated upon at least 33 1/2 percent of the contribution by the Government" to assure that the owners of commercial fishing vessels will assume their fair share of the costs involved.

The second amendment: "In an amount not to exceed \$150,000 annually" is for the purpose of placing an annual limitation for each of the 4 years on the amount authorized to be appropriated to carry out the provisions of the bill.

COST

The Interior Department, in testimony before your committee, estimates the cost of S. 2269, on an annual basis, for the specified period of 4 years, would be \$142,500, with the cost to the participating vessel owners set at \$87,500. The bill specifies that the annual authorization for the added section of this amendment shall not exceed \$150,000.

AGENCY REPORTS

The reports of the agencies and departments follow:

U.S. DEPARTMENT

OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, D.C., August 29, 1967.

HON. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested this Department's views and recommendations on S. 2269, a bill to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

We recommend the enactment of S. 2269 with the amendment suggested below.

The Fishermen's Protective Act directs the Secretary of State to attend to the welfare of the crew of any vessel of the United States seized by a foreign country on the basis of rights or claims not recognized by this country in territorial waters or on the high seas. The State Department is also directed to secure the release of the vessel and crew. In carrying out these functions, the Secretary must find that there is no dispute of material facts relative to the vessel's location and activities when seized. If the vessel owners must also pay a fine to secure release, then the act directs the Secretary of the Treasury to reimburse the owner in an amount that represents the fine.

The act does not apply to seizures made by a country at war with the United States or seizures made under a fishery convention or treaty to which the United States is a party. The Secretary of State is also directed to recover from the foreign country the amounts expended by the United States under this act. The act applies to fishing vessels and other vessels of the United States.

The Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.), declares " \* \* \* that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

"(2) Protection of opportunity— \* \* \* to fish on the high seas in accordance with international law;"

In administering the 1956 act, this Department strives to stimulate the development of a strong, prosperous, and thriving commercial fishing industry. We have consistently encouraged the U.S. commercial fishing industry to increase rapidly their exploitation

of the fishery resources of the high seas—that is, beyond the territorial waters of foreign countries.

In addition, the United States has constantly, over the years, asserted the doctrine of the freedom of the seas. In this regard, the Department of State in 1954 said:

"The traditional policy of the United States is to support the principle of the freedom of the seas, and it has consistently opposed the efforts of other countries to limit the freedom of the seas by excessive claims to territorial waters. It is the practice of the Department officially to protest claims to the territorial waters greater in breadth than 3 marine miles from the coast [and fisheries jurisdiction in excess of 12 miles] since it is the view of the Department that under international law it is not required to recognize such claims \* \* \* In implementation of that policy every reasonable peaceful effort is being made by the Department to protect American nationals engaged in fishing or other occupations on the high seas." (See S. Rept. 2214, 83d Cong.)

Despite this policy, American fishing vessels continue to be harassed and unlawfully seized and detained while conducting fishing operations on the high seas. The illegal seizure and unlawful detention of U.S. fishing vessels is the result of certain nations extending their jurisdiction over extreme distances from their coasts, to as much as 200 miles, far beyond internationally accepted limits. In a recent case, seizure took place about 75 miles off the coast of the offending foreign country. The U.S. Government has firmly and consistently taken the position that such extension of jurisdiction has no basis in international law. On the occasion of each unlawful seizure, the U.S. Government has lodged strong protests against the responsible government and has devoted considerable efforts in seeking the release of the detained vessel as expeditiously as possible.

The illegal seizures and detentions of our fishing vessels continue and, in fact, appear to be increasing. With more countries unilaterally making similar unreasonable and unjustified claims, it is likely that such seizures may well increase.

Efforts to resolve the problem of fisheries jurisdiction by negotiation have been largely unproductive and, more importantly, have been extremely slow in the eyes of the affected fishermen and vessel owners who are exercising their rights under the "freedom of the seas" doctrine.

The principal purpose of the 1954 act is to provide a clear direction to the Secretary of State to take whatever steps may be necessary to insure the welfare of a seized vessel and its crew while it is unlawfully detained by a foreign country and to obtain the immediate release of the vessel and crew. In addition, the 1954 act provides that if a fine must be paid by the vessel owners to obtain the release of the vessel and crew, then such owners shall be reimbursed by the United States. The reimbursement directly relates to, and is in aid of, the primary purpose of the act—namely, the prompt release of the vessel and crew.

To this extent, the 1954 act has been successful and a decided aid to the commercial fishing industry in this country.

These seizures and subsequent detentions, however, represent a nuisance to the vessel owner, and, in some cases, a constant source of danger to themselves and their crews. Even more importantly, these seizures and detentions result in substantial economic losses to these U.S. citizens. The objective of S. 2269 is to give these fishing vessel owners and, indirectly, their crews, an opportunity to recoup some of these losses.

We agree that some additional assistance to U.S. fishermen is needed while negotiations are continued with the foreign countries to resolve the problem of fisheries jurisdiction. S. 2269 will provide this assistance.

S. 2269 authorizes a 4-year program of

guarantees to the vessel owners and their crews. Under the bill, the Secretary of the Interior will guarantee the vessel owners that he will reimburse them for costs incurred, less any depreciation, as a direct result of illegal seizure or detention, or both, for loss, etc., to their vessels, gear, or equipment, and for dockage fees, and utilities. In addition, the Secretary will pay such owners and their crews up to 50 percent of any income lost as a direct result of such illegal seizure or detention, or both. In making this latter payment, the Secretary will base his determination on the value of the average catch per day's fishing during the three most recent calendar years prior to the seizure of the seized vessel. If such experience is not available, then the Secretary may base his determination on the experience of all fishing vessels of the United States of the same type and size.

We believe it is important to limit the income loss provisions to 50 percent, although we recognize that it will not completely compensate the vessels and their crews fully. The highly speculative nature of this feature in the bill leads us to the conclusion that the percentage should be so restricted.

While we firmly believe that this program is needed, we also believe that the United States should not bear its entire cost. Accordingly, the bill provides for the establishment of fees to be paid by the vessel owners to cover a reasonable portion of the costs of this added assistance program. We believe that these fees should be adequate to cover all of the program's administrative expenses and about 25 percent of any payments made under the guarantee. We recognize, however, that experience may show that it is unreasonable to expect to recover all of these costs to this extent. If this is the case, we will make appropriate adjustments in order to provide the needed assistance.

As we have indicated, we also believe that this program should be viewed as a temporary measure. S. 2269 limits it to 4 years. During this time, we hope to be able to enter into negotiations which will obviate the need for an extension of the program. In any event, we will review the program at the end of this period to determine what course of action should be taken.

Lastly, it has come to our attention that, in some cases, foreign countries have required fishing vessel owners to purchase fishing licenses or pay registration fees or other charges in lieu of fines to secure the release of their vessel and crew. While these charges are probably in reality equivalent to a fine, the 1954 act has been interpreted as not being available for making reimbursements for such charges. We believe that such charges should be reimbursed because they are a condition precedent to the prompt release of the vessel and crew, just as a fine is a condition precedent to this release. S. 2269 provides for such reimbursement. These charges would not be included in our estimation of the costs of the guarantee program for the purpose of establishing fees.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program, and that if the committee determines that enactment of S. 2269 is necessary, the Bureau of the Budget strongly believes that the program should be a temporary one, pending continued diplomatic efforts to achieve a lasting solution to the problem.

Sincerely yours,

STANLEY A. CAIN,  
Assistant Secretary of the Interior.

DEPARTMENT OF STATE,  
Washington, D.C. September 6, 1967.  
Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to your letter of August 11 requesting a report on S. 2269,

a bill to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

The act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), commonly known as the Fishermen's Protective Act, provides that when any private vessel documented or certified under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and there is no dispute of material facts as to the location or activity of the vessel at the time of such seizure, the Secretary of State shall as soon as practicable take appropriate action to attend to the welfare of the vessel and its crew and to secure their release. The act further provides that any fine paid by the owners to secure release of their vessel under these conditions shall be reimbursed by the Secretary of the Treasury upon certification by the Secretary of State. The act also directs the Secretary of State to take appropriate action to recover expenditures under this act from the foreign countries whose seizure of U.S. vessel occasioned such expenditures.

If enacted, S. 2269 would amend the act of August 27, 1954, in the following ways:

1. For all U.S. vessels, it would broaden the scope of reimbursements to be made by the Secretary of the Treasury upon certification by the Secretary of State to include license fees, registration fees, and any other direct charges in addition to fines.

2. For U.S. commercial fishing vessels, it would empower the Secretary of the Interior to enter into agreements with vessel owners to guarantee payment to the owners of certain actual costs resulting from seizure and detention of a vessel, including damage, destruction, loss, or confiscation of the vessel, its fishing gear, or other equipment, dockage and utility fees, payment to the owners and crew of the market value of fish confiscated or spoiled during detention of the vessel, and payment to owners and crew of up to 50 percent of estimated gross income lost as a result of the seizure and detention of the vessel. The Secretary of the Interior would be authorized to establish by regulation fees to be paid by vessel owners entering into such agreement, the fees to be adequate to cover the cost of administering the guarantee system and a reasonable portion of payments under the system. Payments would not be made for losses covered by insurance or by any other provision of law, and the effectiveness of the guarantee system would be limited to four years commencing 180 days after enactment.

It is the position of this Government to support the free operations of our fishing vessels outside national fisheries jurisdiction extending to a distance of not more than 12 miles from the coasts of all countries, subject only to international law and agreements. It is also the policy of this Government to support the development of the American fishing industry. Nevertheless, unless effective protection is afforded to American fishing vessels operating in zones of the high seas regarded by foreign governments as within their national jurisdiction on the basis of claims which we consider to be without foundation in international law, both the legal rights espoused by this Government and the continued development of the American fishing industry will suffer.

The Department of State is seeking a positive solution for the vexing problem of seizures of U.S. fishing vessels on the high seas by certain countries. We hope that negotiations for this purpose will take place during the present year and that they will result in a termination of the practice of seizures. Pending the completion of these negotiations there is always the risk of further seizures and further unfair and illegal impositions on our fishermen.

As a matter of principle, the items for

which this bill would provide compensation out of public funds are in reality claims against foreign governments. They are but one type of a countless variety of claims by U.S. citizens against foreign governments throughout the world. All such claims are based on conduct of the foreign government claimed by the Government of the United States to have been improper or illegal under international law. It may be pointed out that cases here involving fishing vessels are no different, for example, than claims arising out of taking property and other international claims. Such claims have not been paid out of public funds.

But in this particular case—that of fishing vessels wrongfully seized on the high seas—Congress has passed the act of August 27, 1954, for the purpose of assisting the owners of seized vessels to obtain the prompt release of their vessels and crews. Its goal is to give our fishing fleet some protection in addition to that provided by diplomacy.

The act of August 27, 1954, has been of some assistance to the American fishing industry in maintaining and exercising its rights under international law, despite the harassment of seizures which the United States considers illegal. However, the act is not fully effective in its purpose of obtaining the prompt release of vessel and crew. In order to obtain prompt release, owners of vessels are often required not only to pay a fine, but to purchase a fishing license and a temporary registration, and sometimes to pay other fees.

The Department believes that under the circumstances it would be appropriate to establish a temporary program whereby U.S. fishermen who are willing to share in the costs can be provided some additional assistance while negotiation efforts continue and that such an approach will not undermine the principle against public compensation for private claims against foreign governments.

Accordingly, the Department recommends amendment of the act of August 27, 1954, as provided in S. 2269.

The Department believes that these amendments would provide a substantial measure of relief to the American fishing industry without incentive for abuse and serve to support the positions of this Government both in developing our fishing industry and in maintaining our rights under international law.

The Bureau of the Budget advises that there is no objection from the standpoint of the administration's program to the submission of this report and that if the committee determines that enactment of S. 2269 is necessary the Bureau strongly believes that the guarantee program should be a temporary one, as provided in the bill, pending continued diplomatic efforts to achieve a lasting solution to the problem.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
Assistant Secretary for Congressional Relations.

THE GENERAL COUNSEL  
OF THE TREASURY,

Washington, D.C., September 6, 1967.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2269, to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

The proposed legislation would add a new section 7 to the act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971), relating to the seizure of vessels by foreign countries, to require the Secretary of the Interior to enter into agreements with owners of commercial fishing vessels to reimburse the owners of

such vessels seized by foreign countries for certain losses and costs incurred as a result of such seizures.

The only provisions of the proposed legislation of primary interest to this Department are the provisions in the proposed new section 7(c) which would provide for the crediting of all fees collected by the Secretary of the Interior to a separate account established in the Treasury of the United States and would authorize appropriations to the account. These provisions are satisfactory from the standpoint of this Department.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH,  
General Counsel.

COMPTROLLER GENERAL  
OF THE UNITED STATES,  
Washington, D.C., October 30, 1967.

B-108007.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of August 11, 1967, invites our comments on S. 2269, a bill to amend the act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

Under section 3 of the act of August 27, 1954, the owners of private vessels documented or certificated under the laws of the United States which are seized by a foreign country under the conditions enumerated in section 2 are to be reimbursed by the Secretary of the Treasury in the amount certified to him by the Secretary of State as being the amount of the fine actually paid in order to secure the prompt release of the vessel and crew. Section 2 of S. 2269 would amend said section 3 to authorize reimbursement for "license fee, registration fee, or any other direct charge" in addition to the fine actually paid in order to secure the release of the vessel and crew.

S. 2269 would also add a new section 7 under which the owners of vessels of the United States documented or certified as a commercial fishing vessel whose vessels are seized by foreign countries, upon entering into agreements with the Secretary of the Interior, would be indemnified for all actual costs, other than those covered by section 3 of the act, incurred by the owners of such vessels during periods of seizure and detention and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment (B) the loss or confiscation of such vessel, gear or equipment, or (C) dockage fees or utilities. The owners and the crews also would be indemnified for (1) the market value of fish caught before seizure of such vessels and confiscated or spoiled during the period of detention, and (2) not to exceed 50 percent of the gross income lost, on the basis of certain stated factors, by being unable to fish as a direct result of such seizure and detention. The bill further provides for the Secretary to establish by regulation fees to be paid by the owners of vessels entering into indemnification agreements, such fees to be adequate (1) to cover the cost of administering the program and (2) to cover a reasonable portion of any payments made by the Secretary under the program.

While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement, or an insurance program, from the Government for the value of properties that are seized by foreign coun-

tries in violation of treaties or international law. The provisions of proposed subsection 7(c) covering the establishment of fees to be paid by the owners of vessels entering into agreements under the program, allows the Secretary a considerable amount of latitude in determining what would be a reasonable portion of the cost of the program to be covered by such fees. It would appear, depending on circumstances, that the cost of the program to be borne by the Government could become substantial, particularly if on account of the program the vessel owners should become more daring in fishing in waters claimed by foreign countries.

For the foregoing reasons, we believe that if S. 2269 is to receive favorable consideration, the bill should be amended to clarify the respective financial responsibility of the Government and of vessel owners generally under the proposed indemnity program.

Sincerely yours,  
FRANK H. WEITZEL,  
Assistant Comptroller General of the  
United States.

Mr. LAUSCHE. Mr. President, I just want to make two points. The bill Senators are asked to vote upon is a special privilege bill. It creates a precedent that will haunt the Senate in the future. Preferential treatment is being given to fishermen of the United States. Countless other citizens who suffer damage because of the Government's failure to protect them are given no protection. Fishermen are given full protection.

I want to repeat two things: First, preferential treatment; second, the establishment of a precedent. I predict that 10 years from now Senators will be haunted by what this bill has established.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTROYA], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Virginia [Mr. SPONG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Okla-

homa [Mr. HARRIS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], and the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY] are necessarily absent.

The Senator from Kentucky [Mr. MORRON] is detained on official business.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Illinois would vote "nay".

On this vote, the Senator from Kentucky [Mr. MORRON] is paired with the Senator from Delaware [Mr. BOGGS]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Delaware would vote "nay".

The result was announced—yeas 49, nays 24, as follows:

[No. 100 Leg.]

YEAS—49

Anderson	Holland	Pell
Bartlett	Hollings	Prouty
Bayh	Inouye	Proxmire
Bible	Jackson	Ribicoff
Brooke	Kuchel	Russell
Burdick	Long, La.	Scott
Byrd, Va.	Magnuson	Smith
Byrd, W. Va.	McGee	Sparkman
Cannon	McGovern	Stennis
Dodd	Mondale	Talmadge
Eastland	Monroney	Tower
Fannin	Moss	Williams, N.J.
Fong	Mundt	Yarborough
Hart	Murphy	Young, N. Dak.
Hartke	Muskie	Young, Ohio
Hatfield	Nelson	
Hill	Pearson	

NAYS—24

Aiken	Curtis	Jordan, Idaho
Allott	Dominick	Lausche
Baker	Fulbright	Mansfield
Carlson	Griffin	McClellan
Case	Hansen	Miller
Church	Hickenlooper	Symington
Cooper	Hruska	Thurmond
Cotton	Javits	Williams, Del.

NOT VOTING—27

Bennett	Harris	Montoya
Boggs	Hayden	Morse
Brewster	Jordan, N.C.	Morton
Clark	Kennedy, Mass.	Pastore
Dirksen	Kennedy, N.Y.	Percy
Ellender	Long, Mo.	Randolph
Ervin	McCarthy	Smathers
Gore	McIntyre	Spong
Gruening	Metcaif	Tydings

So the bill (S. 2269) was passed, as follows:

S. 2269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), is amended by adding at the end thereof a new section to read as follows:

"SEC. 7. (a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certified as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign

country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

"(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that if the type and size of the seized vessel.

"(b) Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale.

"(c) The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33 1/2 per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. All payments under this section shall be made first out of such fees so long as they are available, and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section in an amount not to exceed \$150,000 annually.

"(d) All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

"(e) The provisions of this section shall be effective for forty-eight consecutive months beginning one hundred and eighty days after the enactment of this section. The Secretary shall issue such regulations and take such other measures as he deems appropriate to implement the provisions of this section prior to such effective date.

"(f) For the purposes of this section—

"(1) the term 'Secretary' means the Secretary of the Interior.

"(2) the term 'owner' includes any charterer of a commercial fishing vessel."

Sec. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973), is amended by inserting a comma after the word "fine" wherever it appears and the words "license fee, registration fee, or any other direct charge".

Sec. 3. Section 5 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1975), is amended to read as follows:

"Sec. 5. (a) The Secretary of State shall

take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this chapter (including payments made pursuant to section 7) because of the seizure of a United States vessel by such country. If, within one hundred and twenty days after receiving notice of any such claim of the United States, a country fails or refuses to make payment in full, the Secretary of State shall promptly report such failure or refusal to the President. The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

"(b) From any funds programed for the current fiscal year for assistance to the government of a country to which assistance is suspended [as shown in materials concerning such fiscal year presented to the Congress in connection with its consideration of amendments to the Foreign Assistance Act], the Secretary of State shall withhold an amount equal to the total of all such unpaid claims of the United States, which amount shall be transferred to the separate account established in the Treasury of the United States pursuant to section 7(c) for the payment of vessel owners. The Secretary of State shall transmit to the Congress, at least once each fiscal year, a report of all suspensions of assistance and of amounts transferred pursuant to this subsection.

"(c) No provision of law shall be construed to authorize the President to waive the provisions of this section."

SEC. 4. The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), as amended by this Act, may be cited as the "Fishermen's Protective Act of 1967".

Mr. BARTLETT. Mr. President, I ask unanimous consent that we reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### BENEFITS FOR CERTAIN LOCAL LAW-ENFORCEMENT OFFICERS—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11816) to provide certain benefits for law-enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Mar. 27, 1968, pp. 7904-7906, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McCLELLAN. Mr. President, the report was signed by all conferees on the part of the Senate and House, and has been agreed to by the House by a record

vote of 375 yeas. The report recommends that we agree to an amendment inserting language agreed to by the conferees in lieu of the matter inserted by the Senate in its amendment to the House bill.

Mr. President, I ask unanimous consent that the conference report be printed at this point in the RECORD.

There being no objection, the conference report was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT (H. REPT. NO. 1187)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11816) to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SECTION 1. (a) Chapter 81 of title 5 of the United States Code is amended by adding the following new subchapter at the end:

"SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

"§ 8191. Determination of eligibility  
"The benefits of this subchapter are available as provided in this subchapter to eligible law enforcement officers (referred to in this subchapter as "eligible officers") and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

"(1) a law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person—

"(A) for the commission of a crime against the United States, or

"(B) who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or

"(C) who at that time was sought as a material witness in a criminal proceeding instituted by the United States; or

"(2) a law enforcement officer and to have been engaged on that occasion in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime; or

"(3) a law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States;

and to have been on that occasion not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty. No person otherwise eligible to receive a benefit under this subchapter because of the disability or death of an eligible officer shall be barred from the receipt of such benefit because the person apprehended or attempted to be apprehended by such officer was then sought for the commission of a crime against a sovereignty other than the United States.

"§ 8192. Benefits

"(a) BENEFITS IN EVENT OF INJURY.—The Secretary of Labor shall furnish to any eli-

gible officer the benefits to which he would have been entitled under subchapter I of this chapter if, on the occasion giving rise to his eligibility, he had been an employee as defined in section 8101(1) engaged in the performance of his duty, reduced or adjusted as the Secretary of Labor in his discretion may deem appropriate to reflect comparable benefits, if any, received by the officer (or which he would have been entitled to receive but for this subchapter) by virtue of his actual employment on that occasion. When an enforcement officer has contributed to a disability compensation fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of disability coverage for the individual officer.

"(b) BENEFITS IN EVENT OF DEATH.—The Secretary of Labor shall pay to any survivor of an eligible officer the difference, as determined by the Secretary in his discretion, between the benefits to which that survivor would be entitled if the officer had been an employee as defined in section 8101(1) engaged in the performance of his duty on the occasion giving rise to his eligibility, and the comparable benefits, if any, received by the survivor (or which that survivor would have been entitled to receive but for this subchapter) by virtue of the officer's actual employment on that occasion. When an enforcement officer has contributed to a survivor's benefit fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of survivor's benefits coverage for the individual officer.

"§ 8193. Administration

"(a) DEFINITIONS AND RULES OF CONSTRUCTION.—For the purpose of this subchapter—

"(1) The term "Attorney General" includes any person to whom the Attorney General has delegated any function pursuant to subsection (b) of this section.

"(2) The term "Secretary of Labor" includes any person to whom the Secretary of Labor has delegated any function pursuant to subsection (b) of this section.

"(b) DELEGATION.—

"(1) The Attorney General may delegate to any division, officer, or employee of the Department of Justice any function conferred upon the Attorney General by this subchapter.

"(2) The Secretary of Labor may delegate to any bureau, officer, or employee of the Department of Labor any function conferred upon the Secretary of Labor by this subchapter.

"(c) APPLICATIONS.—An application for any benefit under this subchapter may be made only—

"(1) to the Secretary of Labor

"(2) by

"(A) any eligible officer or survivor of an eligible officer,

"(B) any guardian, personal representative, or other person legally authorized to act on behalf of an eligible officer, his estate, or any of his survivors, or

"(C) any association of law enforcement officers which is acting on behalf of an eligible officer or any of his survivors;

"(3) within five years after the injury or death; and

"(4) in such form as the Secretary of Labor may require.

"(d) CONSULTATION WITH ATTORNEY GENERAL AND OTHER AGENCIES.—The Secretary of Labor may refer any application received by him pursuant to this subchapter to the At-

torney General for his assistance, comments and advice as to any determination required to be made pursuant to paragraph (1), (2), or (3) of section 8191. To insure that all Federal assistance under this subchapter is carried out in a coordinated manner, the Secretary of Labor is authorized to request any Federal department or agency to supply any statistics, data, or any other materials he deems necessary to carry out his functions under this subchapter. Each such department or agency is authorized to cooperate with the Secretary of Labor and, to the extent permitted by law, to furnish such materials to him.

"(e) COOPERATION WITH STATE AGENCIES.—The Secretary of Labor shall cooperate fully with the appropriate State and local officials, and shall take all other practicable measures, to assure that the benefits of this subchapter are made available to eligible officers and their survivors with a minimum of delay and difficulty.

"(e) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subchapter."

(b) The table of sections at the beginning of chapter 81 of title 5 of the United States Code is amended by adding at the end:

"SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

"Sec.

"8191. Determination of eligibility.

"8192. Benefits.

"8193. Administration."

"Sec. 2. The amendments made by section 1 of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act."

And the Senate agree to the same.

Amend the title so as to read: "An Act to provide compensation for law enforcement officers not employed by the United States killed or injured while apprehending persons suspected of committing Federal crimes, and for other purposes."

And the Senate agree to the same.

ROBERT T. ASHMORE,  
WILLIAM L. HUNGATE,  
HERBERT TENZER,  
JOSHUA EILBERG,  
HENRY P. SMITH III,  
THOMAS J. MESKILL,  
CHARLES W. SANDMAN, JR.,  
*Managers on the Part of the House.*

JOHN L. MCCLELLAN,  
JAMES O. EASTLAND,  
SAM J. ERVIN, JR.,  
PHILIP A. HART,  
EDWARD M. KENNEDY,  
ROMAN L. HRUSKA,  
HUGH SCOTT,  
STROM THURMOND,  
*Managers on the Part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11816) to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The conference report recommends that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment. The amendment is to insert the language agreed to by the conferees in lieu of the matter inserted by the Senate in its amendment to the House bill.

The bill, H.R. 11816, passed the House substantially in the form set forth in the conference report, that is, the bill provided for the amendment of chapter 81 of title 5 of the United States Code by the addition of a

new subchapter III providing for benefits to law enforcement officers, Section 8191 of the new subchapter provides for the determination of eligibility. This section adopts the House language in providing that the benefits of the subchapter are to be available to eligible law enforcement officers and their survivors and these benefits are those defined in subchapter 1 of chapter 81 of title 5 of the United States Code, which provides for compensation for work injuries suffered by employees of the United States. The conference substitute provides that the Secretary of Labor is to make the determination of eligibility for benefits. At the time of injury the individual must have been a law enforcement officer engaged in the apprehension or attempted apprehension of any person (a) for a commission of a crime against the United States, or (b) at that time was sought by a law enforcement authority of the United States for a commission of a crime against the United States, or (c) who at that time was sought as a material witness in a criminal proceeding instituted by the United States. An eligible officer would also be an individual injured while protecting or guarding an individual held for the commission of a crime against the United States, or as a material witness in a criminal proceeding instituted by the United States. Similarly, an officer injured in the lawful prevention of or lawful attempt to prevent the commission of a crime against the United States will be entitled to the benefits authorized under the new subchapter. The balance of the provisions of section 8191 substantially retains the provisions originally approved by the House in that an eligible officer is one not an employee of the United States as defined in section 8101(1) of title 5 and shall be an individual who on the particular occasion referred to in the above categories shall have sustained a personal injury for which the United States would be required under subchapter 1 of chapter 81 of title 5 to pay compensation if he had been on that occasion an employee engaged in the performance of his duty. The effect of these provisions is that the standards and benefits of chapter 81 of title 5 will provide the basis for compensation for such law enforcement officers. This will assure that a common standard will be followed for benefits paid by the Federal Government to Federal officers and to State and local officers as is provided in the conference substitute.

Section 8192 in the conference substitute is identical to the section as originally approved by the House.

Section 8193 was modified by the deletion of a requirement that the Secretary of Labor refer any application to the Attorney General. This change was necessitated by the change to section 8191 which vests in the Secretary of Labor the responsibility of determining eligibility. The authority for consultation with the Attorney General is provided in a new subsection (d) which provides authority to the Secretary of Labor to consult with the Attorney General or to consult with any other affected Department concerning matters relevant to persons' compensation under the new subchapter.

The balance of the conference report retains the language of the House-passed bill with an amendment to the title of the bill revising the language of the title, and reflects the changes agreed to in conference.

The conference report in following the language of the House bill has the effect of incorporating definitions and standards fully set forth in the Federal employee compensation provisions of chapter 81 of title 5 of the United States Code. The Senate amendment included several definitions which are therefore not included in the language of the conference report since title 5 contains standard definitions of the same terms. As has been noted, the conference substitute refers to the law enforcement off-

cers who would be eligible for benefits in the event of injury as law enforcement officers not employed by the United States. The intent is to cover law enforcement officers employed by various governmental subdivisions and to avoid an attempted enumeration of the particular subdivisions involved. The conferees felt that an attempted enumeration might result in an unintended limitation. In the course of the debate on the bill, H.R. 11816, on the floor of the House on September 11, 1967, this point was emphasized. For example, it is intended that the provisions will cover officers employed in the Commonwealth of Puerto Rico as well as those by States and by local jurisdictions.

ROBERT T. ASHMORE,  
WILLIAM L. HUNGATE,  
HERBERT TENZER,  
JOSHUA EILBERG,  
HENRY P. SMITH III,  
THOMAS J. MESKILL,  
CHARLES W. SANDMAN, Jr.,  
*Conferees on the Part of the House.*

Mr. McCLELLAN. Mr. President, the purpose of the bill is to provide compensation for law-enforcement officers not employed by the United States who are killed or injured while apprehending or attempting to apprehend persons suspected of committing Federal crimes. The Senate version placed the administration of this program under the Attorney General. The conference substitute provides that the Secretary of Labor will make the determinations as to eligibility and pay compensation in accordance with the standards and benefits set forth in chapter 81, title 5, United States Code, which provides for the compensation for work injuries of persons employed by the United States. In making his determinations, the Secretary of Labor may consult with the Attorney General. This procedure will insure that the same standards will be followed and like benefits will be paid to Federal officers and to State and local officers injured in similar circumstances.

The purpose of this measure is commendable. We will be providing some compensation for injuries received while State or local officers are assisting Federal officers. The cost will be small, but it seems fitting that the Federal Government provide some compensation for the injuries resulting from their assistance in Federal work.

Mr. President, I move the adoption of the conference report.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, I am very grateful for the submission of the conference report and the progress that has been made upon it.

As one of the members of the Judiciary Committee who attended the hearings, and as one of the conferees, I was able to witness what was done on the bill in its original form.

The concept was a little new. There were some problem areas that appeared not only in the policy field, but also in the matter of administration. Happily, they were solved, and I think in a solid way, by bringing into the picture the Department of Labor in the one instance and the attachment of the law to the civil service in a very beneficial way.

I commend the chairman of our sub-

committee for his patience as well as for his very fine work in obtaining the final product.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately prior to the recognition of the Senator from Indiana [Mr. HARTKE], following the routine morning business tomorrow, the Senator from Arizona [Mr. FANNIN] be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEXICO-UNITED STATES INTER-PARLIAMENTARY CONFERENCE—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the Senator from Utah [Mr. Moss] to attend the Mexico-United States Inter-parliamentary Conference to be held at Honolulu, Hawaii, on April 11 to 17, 1968, in place of the Senator from Tennessee [Mr. GORE].

#### ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 4, 1968, at 12 o'clock meridian.

#### NOMINATION

Executive nomination received by the Senate April 3, 1968:

##### U.S. TARIFF COMMISSION

Bernard Norwood, of New Jersey, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1969, vice Dan H. Fenn, Jr.

#### CONFIRMATION

Executive nomination confirmed by the Senate April 3, 1968:

##### DEPARTMENT OF JUSTICE

William C. Keady, of Mississippi, to be U.S. district judge for the northern district of Mississippi.